

OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of: : Case No: 01-RC-314865
PUBLIC SERVICE OF NEW HAMPSHIRE, :
d/b/a EVERSOURCE ENERGY, :
Employer, :
And :
INTERNATIONAL BROTHERHOOD OF :
ELECTRICAL WORKERS, LOCAL 1837, :
Petitioner.

Place: Boston, Massachusetts (via Zoom)
Dates: April 18, 2023
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The above-entitled matter came on for hearing
pursuant to notice, before ERIC DURYEA, Hearing Officer, at the
National Labor Relations Board, via videoconference, on
Tuesday, April 18, 2023, at 10:00 a.m.

A P P E A R A N C E S

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I N D E X

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P R O C E E D I N G S

(Time Noted: 10:22 a.m.)

HEARING OFFICER DURYEA: Let's go on the record.

COURT REPORTER: On the record at 10:22.

HEARING OFFICER DURYEA: The hearing will be in order. This is a formal hearing in the matter of Public Service of New Hampshire, d/b/a Eversource Energy, Case Number 01-RC-314865, before the National Labor Relations Board. The Hearing Officer appearing for the National Labor Relations Board is Eric Duryea.

All parties have been informed of the procedures at formal hearings before the Board by the service of a description of procedures in certification and decertification cases with the notice of hearing. I have additional copies of this document for distribution if any party wants more.

Will counsel please state their appearances for the record? For the Petitioner?

MR. YOUNG: Yes. It's Jeffrey Young, Solidarity Law, 9 Longmeadow Road, Cumberland, Maine, 04110.

HEARING OFFICER DURYEA: All right. And for the Employer?

MS. RUGGIERO: Angela Ruggiero and Divya Vasudevan on behalf of PSNH. And the address -- do you need our address for the record?

HEARING OFFICER DURYEA: No, that's fine. Are there

1 any other appearances?

2 (No response.)

3 HEARING OFFICER DURYEA: All right, let there show no
4 response. Are there any other persons, parties, or labor
5 organizations in the hearing room who claim an interest in this
6 proceed?

7 (No response.)

8 HEARING OFFICER DURYEA: Let the record show no
9 response. I now propose to receive the formal papers. They
10 have been marked for identification as Board Exhibit 1(a)
11 through (h) inclusive, Exhibit 1(h) being an index and
12 description of the entire exhibit. The exhibit has already
13 been show to all parties. Are there any objections to the
14 receipt of these exhibits into the record?

15 (Board's B-1(a) through 1(h) identified.)

16 MS. RUGGIERO: No objections.

17 MR. YOUNG: No.

18 HEARING OFFICER DURYEA: All right. Hearing no
19 objection, the formal papers are received in evidence.

20 (Board's B-1(a) through 1(h) received.)

21 HEARING OFFICER DURYEA: Are there any motions to
22 intervene in these proceedings to be submitted to the Hearing
23 Officer for ruling by the Regional Director at this time?

24 (No response).

25 HEARING OFFICER DURYEA: Let the record show no

1 response. Are there any pre-hearing motions made by any party
2 that need to be addressed at this time? I don't believe that
3 there are, but just to be sure.

4 (No response.)

5 HEARING OFFICER DURYEA: All right, let the record
6 show no response. The parties to this proceeding have executed
7 a document which is marked as Board Exhibit 2. That exhibit
8 contains a series of stipulations including among other things
9 the Petitioner is a labor organization within the meaning of
10 the Act, there is no contract bar, and the Employer meets the
11 jurisdictional standards of the Board. Are there any
12 objections to the receipt of Board Exhibit 2?

13 (Board's B-2 identified.)

14 MS. RUGGIERO: No.

15 MR. YOUNG: No.

16 HEARING OFFICER DURYEA: All right. Hearing no
17 objection, Board Exhibit 2 is received in evidence.

18 (Board's B-2 received.)

19 HEARING OFFICER DURYEA: Are there any petitions
20 pending in other regional offices involving other facilities of
21 this Employer?

22 MS. RUGGIERO: Yes.

23 MR. YOUNG: Yes.

24 HEARING OFFICER DURYEA: All right. Why don't you --
25 why don't you tell me what those other cases are, those other

1 petitions.

2 MR. YOUNG: My, my understanding is that Local 1837
3 last week filed a petition to represent certain employees at
4 one of the substations of the Employer.

5 HEARING OFFICER DURYEA: Ms. Ruggiero, is that -- is
6 that the case that you and I were talking about the other day,
7 the one -- the recent, recently filed petition?

8 MS. RUGGIERO: It's 01-RC-316131.

9 HEARING OFFICER DURYEA: Can you repeat that number,
10 Angela?

11 MS. RUGGIERO: Sure. 01-RC-316131. This is a
12 petition to organize 11 working foremen in the Keene and
13 Peterborough area work centers.

14 HEARING OFFICER DURYEA: All right. Let me see,
15 okay, yeah, that -- that is the one here in this Region that,
16 that the Region knows about. Anything in any other regions?

17 MS. RUGGIERO: No petitions -- no other petitions are
18 pending that I'm aware of.

19 HEARING OFFICER DURYEA: All right. So the parties
20 are reminded that prior to the close of the hearing, the
21 Hearing Officer will solicit the parties' positions on election
22 details including the type, as in mail, manual, or partial
23 mail/manual; the best days of the week, times, locations for
24 conducting an election; any dates in which an election could
25 not occur, including the reason; where and how to conduct the

1 count of the ballots; and the eligibility period, the most
2 recent payroll ending date and the frequency of pay periods,
3 but will not permit litigation of these issues.

4 The Hearing Officer will also inquire as to the need
5 for foreign language ballots and notices of election, and the
6 proposed number of observers for each party, for each polling
7 period, including the reason. Please have the relevant
8 information with respect to these issues available at that
9 time.

10 The parties have been advised that the hearing will
11 continue from day to day as necessary until completed, unless
12 the Regional Director concludes that extraordinary
13 circumstances warrant otherwise. The parties are also advised
14 that upon request any party is entitled to a reasonable period
15 at the close of the hearing for oral argument, which shall be
16 included in the transcript of the hearing.

17 Any party desiring to submit a brief to the Regional
18 Director shall be entitled to do so within 5 business days
19 after close of the hearing. Prior to the close of the hearing
20 and for good cause, the Hearing Officer may grant an extension
21 of time to file a brief not to exceed an additional 10 business
22 days.

23 (Board's B-4 identified.)

24 HEARING OFFICER DURYEA: The Employer has completed
25 and I have marked for identification as Board Exhibit 4 a

1 statement of position in this matter. Is there any objection
2 to the receipt of this exhibit into the record? And actually
3 it occurs to me that I have not shared the exhibit, Exhibit 4
4 with the parties. But let me do that now. Give me a moment.

5 (Pause.)

6 HEARING OFFICER DURYEA: All right, so I'm emailing
7 right now Board Exhibit 4, the statement of position, and Board
8 Exhibit 5, the responsive statement of position. I've just
9 emailed those. So let me know when you receive them.

10 (Board's B-5 identified.)

11 MR. YOUNG: Is there a Board Exhibit 3, Eric?

12 HEARING OFFICER DURYEA: There is a Board Exhibit 3.
13 It's going to be referred to at the end of the hearing. That's
14 just the description of procedures. I, I went out of order
15 there.

16 MR. YOUNG: Just wanted to make sure, okay.

17 HEARING OFFICER DURYEA: Yeah. So you all let me
18 know when you receive that and reviewed those.

19 MR. YOUNG: Just got it.

20 MS. RUGGIERO: That's received.

21 HEARING OFFICER DURYEA: Okay.

22 (Pause)

23 HEARING OFFICER DURYEA: All right. Has everybody
24 had a chance to review those yet?

25 MS. RUGGIERO: Just one question I want to clarify.

1 HEARING OFFICER DURYEA: Sure.

2 MS. RUGGIERO: The response, that's Exhibit 5,
3 question 2, both boxes are checked, dispute --

4 MR. YOUNG: That was -- it's a mistake. There's no
5 dispute.

6 MS. RUGGIERO: Okay. You know what, and it's on -- I
7 apologize, I was looking at the original and I was looking at
8 the one you just sent, Eric, and I was looking at Box 2 versus
9 2(b). So you're right, it was the same as the original. Okay.

10 HEARING OFFICER DURYEA: Okay. All right, we'll
11 clarify that when -- in a moment when we talk about Board
12 Exhibit 5. So let me continue with, with Board Exhibit 4. So
13 as I said, this Board Exhibit 4 is the statement of position.
14 Are there any objections to the receipt of this exhibit into
15 the record?

16 MR. YOUNG: No.

17 MS. RUGGIERO: No.

18 HEARING OFFICER DURYEA: All right. Hearing no
19 objection, Board Exhibit 4 is received.

20 (Board's B-4 received.)

21 HEARING OFFICER DURYEA: So let me -- let me pull
22 that up in a second. Give me a moment. All right, Ms.
23 Ruggiero, will you just -- I see that reflected in the
24 statement of position that, that the dispute is that -- or that
25 the Employer's contention is that the position of operation

1 shift supervisor should be excluded from the unit to make it an
2 appropriate unit. Is that correct?

3 MS. RUGGIERO: Correct.

4 HEARING OFFICER DURYEA: And if you could just
5 briefly state what the basis is for this -- for your -- for the
6 Employer's position that this position should be excluded from
7 the unit?

8 MS. RUGGIERO: It's the company's position as the
9 evidence will show today that the operations shift supervisors
10 reasonably direct the work of others and they also assign work
11 to others using their independent judgment. So it is the
12 company's position that it'll be more than clear today that we
13 have met the definition of statutory -- of supervisory
14 functions under Section 2(11) of the Act.

15 HEARING OFFICER DURYEA: All right. And to continue,
16 Petitioner -- I'm sorry. The Petitioner has completed and I
17 have marked for identification as Board Exhibit 5 a responsive
18 statement of position in response to the Employer's statement
19 of position. Are there any objections to the receipt of this
20 exhibit into the record?

21 MS. RUGGIERO: With the caveat that Box 2(b) is
22 clarified, no objection.

23 HEARING OFFICER DURYEA: Yes. Let's, let's go ahead
24 and talk about that now. Give me a moment. Yes, let's, let's
25 talk about, about Box 2(b) in Board Exhibit 5. And as Ms.

1 Ruggiero pointed out, there are two X's, both for no dispute
2 and for dispute. And Mr. Young, I believe that you clarified a
3 couple of months -- a couple of minutes ago that in fact there
4 is no dispute as to jurisdiction. Is that correct?

5 THE WITNESS: That's correct.

6 HEARING OFFICER DURYEA: All right. So with that
7 clarification, is there any objection to the receipt of Board
8 Exhibit 5 into the record?

9 MS. RUGGIERO: No objection.

10 HEARING OFFICER DURYEA: All right. So with that
11 Board Exhibit 5 is accepted into the record.

12 (Board's B-5 received.)

13 HEARING OFFICER DURYEA: And looking at the
14 responsive statement of position, Mr. Young, if you would
15 clarify the dispute in Box 2(c) that you're indicating? And
16 actually I think it's clear from, from -- it's pretty clear
17 that you're saying that operation shift supervisors are not
18 2(11) supervisors. Can you briefly explain the basis for you
19 thinking that they are not 2(11) supervisors?

20 MR. YOUNG: Sure. The Union believes that -- I'll
21 call them shift supervisors, do not reasonably direct or assign
22 work. And to the extent they are involved in directing or
23 assigning work, they are not exercising independent judgment.
24 The Union would also point out that the same or similar
25 positions within the same company have been found to be

1 included in the bargaining unit elsewhere.

2 HEARING OFFICER DURYEA: All right. So let me ask if
3 any party contends anything other than the Board's standard
4 eligibility formula for voting is required given the industry
5 in which the Employer is engaged. And I believe that in this
6 case the one we might be talking about is Davison-Paxon if, if
7 we're talking about any part-time employees. And I'm not sure
8 if we are.

9 MS. RUGGIERO: There's no part-time employees.

10 HEARING OFFICER DURYEA: All right. Is there
11 anything else that we need to discuss at this point? For the
12 Employer, anything else that you want to bring up, Ms.
13 Ruggiero?

14 MS. RUGGIERO: I suppose the one outstanding issue is
15 the subpoena.

16 HEARING OFFICER DURYEA: All right.

17 MS. RUGGIERO: It's our understanding based on one of
18 Jeff's emails that he was withdrawing it. I just haven't seen
19 anything official that he is withdrawing it. Because
20 subsequent to the email saying he was withdrawing it, there was
21 another email saying he was waiting for documents on Wednesday.
22 But considering the hearing is today, I just need clarification
23 as to whether or not we're expected to either comply with the
24 subpoena or file a petition to revoke.

25 HEARING OFFICER DURYEA: Yeah. Mr. Young, do you

1 want to -- do you want to just address that?

2 MR. YOUNG: Sure. The hearing was originally
3 scheduled for Monday -- well, actually not originally. It was
4 scheduled earlier and at the request of the company it was
5 postponed until Monday. And Friday, in a pre-hearing
6 conference, after we received the subpoena, the Employer asked
7 to continue to Tuesday. I had understood that reasons for
8 doing that was to give them some time to provide some
9 documents. No documents have been provided. But the Union
10 doesn't want to postpone this hearing. And the Employer does
11 have 5 days to response. So we'll -- in view of that, even
12 though I understood the Employer was going to supply some
13 documents prior to today, the Union will withdraw its subpoena.

14 HEARING OFFICER DURYEA: All right, okay, noted.

15 MR. YOUNG: I will say this, however. If the hearing
16 goes forward -- I'm conditionally withdrawing it. Somehow this
17 hearing winds up going forward into next week, which I don't
18 anticipate, then the Union wants the subpoena to be fulfilled.

19 HEARING OFFICER DURYEA: All right. That is noted as
20 well. Anything else that we need to discuss besides the
21 subpoena, at this point?

22 MS. RUGGIERO: Nothing on behalf of the company.

23 HEARING OFFICER DURYEA: Mr. Young?

24 MR. YOUNG: No.

25 HEARING OFFICER DURYEA: Okay. So let's go over the

1 issues to be litigated. The Regional Director has directed
2 that the following issues will be litigated in this proceeding:
3 the supervisory status of operation shift supervisors.

4 Please be aware that because supervisory status
5 involves statutory exclusion, the party seeking to exclude
6 employees on this basis bears the burden of proof. You must
7 present specific detailed evidence in support of your position.
8 General conclusory statements by witnesses will not be
9 sufficient.

10 And with that, Employer, will you please present your
11 first witness?

12 MS. RUGGIERO: Do you want us to give brief opening
13 statements or do you want to just jump right in?

14 HEARING OFFICER DURYEA: I think -- I think we can
15 jump right in. I mean I'm willing to, to have you give an
16 opening statement if, if you would like a brief opening
17 statement. Would you like to do so?

18 MS. RUGGIERO: I would. it'll be very brief.

19 HEARING OFFICER DURYEA: Okay.

20 MS. RUGGIERO: The evidence presented today will
21 establish that operation shift supervisors or rotating shift
22 supervisors as they'll be referred to today are supervisors
23 within the meaning of the National Labor Relations Act and,
24 therefore, not subject to the Act.

25 The Supreme Court has ruled that an Employer is

1 entitled to undivided loyalty from employees who hold jobs like
2 these, jobs that are closely aligned with management and
3 function as a part of the management hierarchy, are viewed as
4 holding authority and large amounts of discretion, and
5 independently oversee, direct, and assign other employees in
6 the interest of the Employer.

7 RSSs, rotating shift supervisors, have always
8 functioned as representatives of management. In fact, this
9 classification was specifically created to be a management
10 level job. To allow them to unionize would deprive PSNH of the
11 loyal representation to which it is entitled from positions
12 such as these with unrepresented supervisors from the coverage
13 of the Act. Both houses of Congress expressed similar concern
14 about an overbroad reading of the statutory term employee that
15 would include those clearly within the managerial hierarchy.

16 Section 2(11) of the Act defines a supervisor as an
17 individual holding the authority to engage in or effectively
18 recommend any 1 of the 12 listed supervisory functions provided
19 the individual exercises independent judgment in doing so. The
20 evidence today will very clearly establish that the RSS
21 classification uses independent judgment to make assignments
22 and reasonably direct employees and responsibly.

23 The RSS position is complicated. It's highly
24 technical. And it is heavily involved with the transmission of
25 the electricity between generation sources and PSNH

1 substations. RSSs are responsible for real-time oversight of
2 the operation of the transmission system. They independently
3 and without any supervisory review decide when, how, and who
4 will address issues with the system as they arise.

5 As the evidence and testimony will show, there is no
6 doubt that they are statutory supervisors within the meaning of
7 the Act and for this reason should be excluded from the
8 proposed unit in this case. Thank you.

9 HEARING OFFICER DURYEA: All right. Let me just
10 before we proceed with witnesses, let me just clarify
11 something. You referred to what I refer to as the operation
12 shift supervisors. I believe you refer to them as rotating
13 shift supervisors.

14 MS. RUGGIERO: They are one in the same. And as
15 you'll see, the terms and the classifications are very similar
16 within the control room. So you'll hear reference to RSS and
17 rotating shift supervisors. Those are the six employees at
18 issue today. So I think for ease if we refer to the operators
19 as operators level 1 and level 2, those are the 18 people that
20 we are not arguing should be excluded. And then the six
21 employees that we're arguing should be excluded, they'll be
22 referred to at least from the management side as rotating shift
23 supervisor. I think it would be easier just to differentiate
24 between job classifications.

25 HEARING OFFICER DURYEA: All right. Well, let's go

1 ahead and --

2 MR. YOUNG: May I respond?

3 HEARING OFFICER DURYEA: Yeah, sure, go ahead.

4 MR. YOUNG: The Union, the Petitioner, respectfully
5 disagrees with what Ms. Ruggiero had to say in her opening
6 statement about the authority of -- I'm going to call them
7 shift supervisors, the 6 individuals who supervise the
8 operators, the 18 individuals who we agree are included in the
9 unit.

10 HEARING OFFICER DURYEA: Can I -- can I just
11 interrupt here really quickly. So are you effectively making
12 an opening statement right now, Mr. Young?

13 MR. YOUNG: Yes.

14 HEARING OFFICER DURYEA: Should this -- should this
15 appropriately be delayed until you start your -- till you start
16 your presentation or shall we just do it now?

17 MR. YOUNG: If you prefer, I'll wait until I start my
18 presentation. That's fine.

19 HEARING OFFICER DURYEA: No, on second thought, let's
20 go ahead and do it now. That's fine.

21 MR. YOUNG: So the Board or the Supreme Court rather
22 in a discussion of Oakwood Healthcare stated that to qualify
23 under the assignment, that an individual has to -- there's
24 three types of activities that the individual in question has
25 to -- can perform in order to qualify as a supervisor. Those

1 are designating an employee to a place such as a location,
2 department, or wing; appointing an employee to a time, such as
3 a shift or overtime; and the third one, giving significant
4 overall duties to an employee.

5 We believe the evidence will show that the shift
6 supervisors do none of those -- perform none of those
7 activities that would warrant a finding that they use -- assign
8 anyone. And, moreover, to the extent that they assign or
9 directly -- or responsibly direct anyone, that is within the
10 confines of established procedures. The evidence is going to -
11 - operating procedures.

12 The evidence is going to show that the operators and
13 the shift supervisors perform essentially the same work. The
14 shift supervisors are really more in the position of a lead man
15 than they are supervisory in nature. And the Union will also
16 call the Region's attention to the decision in the First
17 Circuit, in NLRB v. NSTAR Electric Company. NSTAR Electric
18 Company is an Eversource-owned subsidiary, doing the same work
19 as Eversource Energy in New Hampshire.

20 NSTAR Electric is in Massachusetts. And in that
21 decision, the First Circuit set out that the individuals, they
22 had a different job title there, but it's the shift
23 supervisors. But those individuals essentially performed the
24 same work that the shift supervisors perform in New Hampshire.

25 And so for those reasons, it's our contention that

1 the shift supervisors are properly part of the unit. They do
2 not possess the necessary and provisory indicia to assign or
3 responsibly direct under Section 2(11) of the Act. Thank you.

4 HEARING OFFICER DURYEA: All right, thank you.

5 Ms. Ruggiero, if you would proceed with your first witness or
6 call your first witness?

7 MS. RUGGIERO: The company calls Brian Dickie.

8 HEARING OFFICER DURYEA: All right. Mr. Dickie, if
9 you would please raise your right hand.

10 (Whereupon,

11 BRIAN DICKIE,

12 was called as a witness by and on behalf of the Employer and,
13 after having been duly sworn, was examined and testified, as
14 follows:)

15 HEARING OFFICER DURYEA: Please state your name and
16 spell it for the record.

17 THE WITNESS: My name is Brian Dickie, B-R-I-A-N,
18 D-I-C-K-I-E.

19 HEARING OFFICER DURYEA: Thank you. Ms. Ruggiero?

20 DIRECT EXAMINATION

21 BY MS. RUGGIERO:

22 Q. Good morning, Mr. Dickie.

23 A. Good morning.

24 Q. Are you currently employed?

25 A. I am currently employed with Eversource New Hampshire,

1 yes.

2 Q. What is your job title?

3 A. My job title is vice president of system operations in New
4 Hampshire.

5 Q. Can you please go over your duties and responsibilities in
6 your current role?

7 A. Yes. In my duties and responsibilities, I have two
8 control rooms, the ESCC, electric system control center, and
9 the SOC, the system operations control center. Both, both
10 units kind of do similar work. But the ESCC is somewhat
11 different in that they operate transmission.

12 And then I have a troubleshooter line department.
13 That troubleshooter line department is a single person, fully
14 qualified line worker with a full material handler bucket that
15 works a 24/7 operation and responds to troubles on the system
16 as they arise.

17 Q. Mr. Dickie, you stated that the ESCC is associated with
18 the transmission system. What is the SOC associated with?

19 A. The SOC operates the distribution along the system. They
20 also operate distribution circuits very similar to the ESCC and
21 the SCADA.

22 Q. Can you go through your work history with Eversource or
23 PSNH, and we'll explain the difference in a moment. But
24 let's --

25 A. Sure, okay. Yeah, just my background, I have an

1 engineering degree from the University of New Hampshire. I
2 also have my Master of Science in electrical and computer
3 engineering from Worcester Polytech. I hold a professional
4 engineer's license in the state of New Hampshire. And I
5 maintain my NERC transmission operator license.

6 My work history, I've been at PSNH since 1989. I
7 started when the company was originally PSNH. We were in
8 bankruptcy at the time. We got bought out by NU in 1992 and
9 then I think in 2008 we merged with NSTAR. So during that
10 time, I worked in fossil hydro plants. I worked at the Bow
11 plant in Merrimack. I worked at the Schiller plant in
12 Portsmouth and the Newington Station plant in Newington. That
13 was when we owned hydro and generating plants, fossil plants.
14 And we also owned the nuclear plant, at one point. And I
15 worked in the fossil hydro.

16 I left there and I went to the Energy Services rep.
17 That was where I went into large, industrial customers to help
18 them save money by putting in power factor, correction
19 capacitors, showing them what was impacting their bill, how to
20 decrease their demand. I also did rate analysis for customers
21 to swap from one rate to another. There were some benefits if
22 you swapped rates with other initiatives out there to refund or
23 for various energy efficiency measures. So I did that, that
24 rate analysis.

25 I left there. I became a field engineer and I did

1 that for quite, quite some time. And then I left there, I came
2 to Energy Park. I was in system planning where we did
3 distribution planning studies, transmission planning studies.
4 I was really brought in to change the direction of the
5 department as a senior engineer and do area studies,
6 comprehensive studies, not only look at a particular problem
7 that we have to do something with, but looking at an area
8 holistically to come up with a holistic design and capital
9 project that we should do to take care of multiple things.

10 During that time, I was also involved in what was
11 termed at the time Smart Grid, right, which is now called Grid
12 Mod. And during that time, I spent a lot of time researching,
13 traveling across the country, going to seminars, going to other
14 utilities looking to see what they did for distribution
15 automation, control center, control platforms, and that kind of
16 thing. I also at that time maintained the capital budget for
17 Eversource New Hampshire. At the time, it was Northeast
18 Utilities. But I maintained the capital budget and was in
19 charge of the capital budget.

20 I left there and I went to be an engineering manager
21 in what was at the time our eastern division. The eastern
22 division, New Hampshire, was chopped up at the time into three
23 operating divisions. We had an eastern, a central, and a
24 western. And my region, at that time, took from Portsmouth and
25 the sea coast, all the way up to the border in Canada,

1 Lancaster area.

2 I left there and came back to Energy Park in charge
3 of the distribution automation program. We embarked in 2015 on
4 a pretty robust program to add controls on the system, to give
5 the system operators more control, more discreet control of the
6 system.

7 And then from there I left, I was -- I became the
8 director of system operations. The system operations group
9 back in 2015 was really small. We had the ESCC only; 12
10 operators were a part of the department. And we stood up the
11 SOC in 2015. We also stood up the troubleshooter line
12 department in 2015. And I became the director of that
13 department. Then all sorts of changes happened where we added
14 people in all the three operating departments and really
15 changed the way we did the business.

16 From the director, a year and a half ago I was
17 promoted to vice president and I am currently in that position
18 now.

19 Q. That's quite a history.

20 A. It's a path less taken.

21 Q. So in your current position, are you familiar with the
22 positions at issue today, specifically system operations
23 level 1 supervisor, system operations level 2, and the
24 operation shift supervisor. So for ease I know the word
25 supervisor is thrown around a lot in these positions, so for

1 ease as we stated earlier, we're going to call them operator
2 level 1, operator level 2, and the rotating shift supervisor in
3 the ESCC. Are you familiar with those positions?

4 A. Yes, I am.

5 Q. How is it that you became familiar with those positions?

6 A. So the, the operator level 1 and level 2 are -- have been
7 in existence since the, the ESCC was, was created back in 1970.
8 And then the rotating shift supervisor I created when in 2018
9 and we filled those positions in 2019 due to the, the growth of
10 the department, the number of people that we were bringing into
11 the department, we felt that there was need for on-shift
12 supervision to supervise the operators on shift and provide
13 guidance and discretion in decision-making on which operator
14 should be doing what. Right? So they were created
15 specifically for that due to the growth of the department and
16 handing out individual work, and providing guidance on, on
17 shift.

18 (Employer's E-1 identified.)

19 BY MS. RUGGIERO:

20 Q. I'd like to jump into some background now specifically
21 about concepts and terminology that we're going to be using
22 today. So if you could turn your attention to Company
23 Exhibit 1, this is a three page PowerPoint document.

24 A. Yeah. Are you going to bring that up or do you want --

25 Q. Can you see it?

1 A. Yep.

2 Q. All right. Are you familiar with this document?

3 A. Yes. I, I created this document as part of a different
4 presentation for our Department of Energy. We spent some time
5 with our Department of Energy going through and doing the same
6 thing I'm doing here basically, explaining our industry. We've
7 got a lot of new people in the Department of Energy and in New
8 Hampshire. So I spent some time explaining what we do, what
9 our business entails, and what the operations of the business
10 looks like.

11 Q. Is this an accurate representation of New Hampshire's
12 wholesale and retail service territory, the electric grid, and
13 the transmission interconnections in New England?

14 A. Yes, it is.

15 MS. RUGGIERO: I'd like to have this marked as
16 Company Exhibit 1.

17 MR. YOUNG: No objection.

18 MS. RUGGIERO: And we've been using the term PSNH and
19 we've been using the term Eversource --

20 HEARING OFFICER DURYEA: Excuse me. Just, just one
21 second. Company Exhibit 1 is received --

22 MS. RUGGIERO: Thank you.

23 HEARING OFFICER DURYEA: -- hearing no objection.

24 (Employer's E-1 received.)

25 THE WITNESS: I just want to make a note, Angela, so

1 the information on the right-hand side of this was updated last
2 fall when I did the DOE presentation. And obviously we're
3 talking poles and miles of line. That's constantly changing,
4 right? So it's accurate as of last fall.

5 BY MS. RUGGIERO:

6 Q. Okay. So we've used Eversource. I heard you use NU,
7 Northeast Utilities. We've heard PSNH. Can you explain to us
8 the relationship between PSNH, Northeast Utilities, and
9 Eversource?

10 A. Sure. So back in the 1980's, right, PSNH was a
11 wholly-owned company, right? Meaning it had its own corporate
12 functions. It was a self-contained operating company. During
13 the 1980's there was Seabrook, right? Back in the day, each
14 utility before prior to deregulation was required to have their
15 own generation and served their own load.

16 So PSNH, at that time, had Schiller station, which
17 was a base load coal plant; Merrimack station, which is a base
18 load coal plant; and they had Newington station, which was
19 actually built as a peaker (ph.) to bridge the gap to Seabrook
20 station until Seabrook came online. Because we had the
21 obligation to serve our own load. Now Seabrook wasn't
22 wholly-owned by PSNH. All the New England utilities owned
23 pieces of the Yankee plants, right? So we had all these
24 nuclear plants in New England, Vermont Yankee, Maine Yankee,
25 Connecticut Yankee. There was a Mass, right, Pilgrim and all

1 that. All utilities owned pieces of it. But PSNH owned more
2 than the 50 percent share of Seabrook.

3 During that time, there was some industry upsets.
4 Three Mile Island happened and whatnot, and a lot of opposition
5 to nuclear power plants came to be. It forced us to prolong
6 commissioning the plant and getting it in service. During that
7 time there was a construction works in progress, lock-outs that
8 didn't allow us to put our capital funds that we had put into
9 the plant already into rates, so we had no cash flow to support
10 the plant. And we ended up in bankruptcy in I think 1988. I
11 don't -- please don't hold me to that date. I think it was
12 around that time. It was a long time ago.

13 All right. And then we entered into bankruptcy. NU,
14 Northeast Utilities, which was a Connecticut-based utility,
15 they had operations in Connecticut, electric operations and gas
16 operations. And they also had Western Mass electric. They
17 offered to buy us out for a certain dollar value. The state
18 agreed. And we went through a period of time where we had 5
19 1/2 percent rate increases for I think 5 years, and then 3
20 years of no rate increases, and then we went back to the
21 traditional rate making utility, where we apply for rates and
22 to get our return on equity, to the point where we were allowed
23 to.

24 In 2008, there was a merger between Northeast
25 Utilities and NSTAR. And for a while we were called Northeast

1 Utilities. We kept the brand name Northeast Utilities. But we
2 each kept our own operating company name, doing business as,
3 right? So and I don't know all the legal terms, so please --
4 I'm an engineer, not a lawyer, right? So Connecticut, right,
5 remained CL&P. NSTAR had remained NSTAR. And PSNH remained
6 PSNH. And we had the corporate Northeast Utilities. And some
7 people became corporate employees of Northeast Utilities and
8 some people stayed within the doing business as, either PSNH,
9 NSTAR, or CL&P. And there was WMECO. I shouldn't leave out
10 WMECO, right, Western Mass Electric.

11 We rebranded sometime in, in 2013 maybe, I don't know
12 the quite date, into Eversource. Right? And during that time,
13 we changed the corporate umbrella if you will from Northeast
14 Utilities to Eversource. And we still kept the individual
15 state doing business as PSNH, NSTAR, or CL&P, or WMECO.

16 Q. Now when we refer to Eversource or we have heard it PSNH,
17 we are still talking about the same company even though we're
18 using names interchangeably. Is that correct?

19 A. Exactly.

20 MS. RUGGIERO: And, Eric, if it's okay, can we take a
21 quick 5-minute bio break?

22 HEARING OFFICER DURYEA: Yeah, that's fine. Let's go
23 off the record for 5 minutes. It's 11:08 right now. Why don't
24 we come back at -- why don't we just make it 11:15.

25 MS. RUGGIERO: Perfect. Thank you.

1 HEARING OFFICER DURYEA: All right, thank you. Off
2 the record.

3 (Off the record from 11:08 a.m. to 11:17 a.m.)

4 HEARING OFFICER DURYEA: Let's go back on the record.

5 COURT REPORTER: Back on the record at 11:17.

6 BY MS. RUGGIERO:

7 Q. Okay. Mr. Dickie, we have up on the screen Company
8 Exhibit 1. Can you please explain to us the general service
9 territory described, served by PSNH?

10 A. Yeah. So there's two components here, right? So there is
11 the transmission system which goes across the entire state,
12 goes across the -- all the boundaries here. I guess I'll
13 explain the boundaries first, right? So the bluish area,
14 right, is our franchise service area. That's where we serve
15 distribution, retail customers.

16 The orange area are other utilities. The other
17 utilities I have listed on the right-hand side, so you have the
18 New Hampshire Electric Co-op, Unitil Electric, New Hampton,
19 Ashland. We serve them at the wholesale level and we serve the
20 mostly on our distribution system with the exception of Unitil,
21 which has recently built some, some of their own substations
22 that connect directly to transmission. And New Hampshire
23 Electric Co-op also has a, a transmission system. What was
24 that, Angela? I'm sorry.

25 Q. I'm just trying to understand where on the left-hand side

1 of the screen we see blue/retail, orange/wholesale. And we've
2 been using -- and I guess we'll get into this in a minute,
3 we've been using distribution and transmission. So is
4 wholesale transmission?

5 A. No. Well, it's a combination, right? So, so the
6 customers that are listed, right?

7 Q. Yep.

8 A. So if they take -- if they take service off the
9 transmission system, they, they are -- they are taking that off
10 the transmission tariff. Right? If they're taking it off the
11 distribution system, they are considered a distribution
12 customer and they are rolled into the distribution rate on a
13 wholesale level. Right? So they're included in our numbers,
14 right, from a wholesale perspective.

15 And I know that gets kind of squirrely, right? It
16 does, right? So just for simplicity's sake, right, the blue is
17 our retail distribution area where we serve retail customers.
18 The orange are other utilities in the state. We serve all of
19 them mostly through distribution service. However, there are
20 some of them that take transmission service as well. But it's
21 limited, very limited.

22 Now there are two utilities that we don't serve and
23 that's part of Liberty. They have the Hanover area and they're
24 served off National Grid, and the town of Bethlehem, which they
25 are served off National Grid transmission line over near the

1 border of Vermont. They do have a line -- National Grid has a
2 line that comes down through the, kind of the center of the
3 state. I mean it just lies through. It doesn't serve any --
4 it isn't interconnected really to PSNH at all.

5 MR. YOUNG: Mr. Duryea?

6 HEARING OFFICER DURYEA: Yes.

7 MR. YOUNG: I want to give Angela plenty of room, but
8 I'm not really seeing the relevance of all of this.

9 MS. RUGGIERO: I think it'll become very relevant
10 when we talk about the transmission function and what these
11 employees do. So I think in order for us to explain
12 transmission and the difference between an operator and a
13 supervisor, I think we first have to make sure everyone
14 understands what the transmission system is and the importance
15 of operating it appropriately, safely, reliably, effectively.
16 And if something goes wrong in the EFCC, what the potential
17 repercussions are. And you can see that if we were to go --
18 scroll. When you look at an actual, you know, the grid, I
19 think it's important to understand all of that and what these
20 folks do.

21 HEARING OFFICER DURYEA: All right. Well, I think we
22 can continue on. Well, we can continue on.

23 BY MS. RUGGIERO:

24 Q. So to that end, Mr. Dickie, we talked about transmission.
25 We talked about -- we talked a little bit about generation.

1 Can you just explain what generation is?

2 A. So generation is anything that generates source power,
3 right? So you've got your traditional fossil hydro, which
4 includes coal plants, oil plants, and basically they're burning
5 fossil fuel, right? Then you have gas plants, which are also
6 in there, but gas plants are relatively newer. They have
7 combined cycle units. They're more efficient. And then
8 outside of that you have renewables, right, which include wind,
9 solar, and some hydro associated with that.

10 Generation is a wholesale or completely deregulated
11 market in New England. It's not completely deregulated across
12 the country. But in New England, it's deregulated, meaning
13 it's a free market administered and controlled by ISO New
14 England.

15 Q. Does PSNH currently generate its own electricity?

16 A. No. Now up until 2017, we did own the Schiller,
17 Merrimack, Newington station, and some hydro plants up in
18 Berlin, upper hydro and lower hydro.

19 Q. All right. So let's move onto transmission. Can you
20 explain what the transmission system is?

21 A. So this, this depicts, right, kind of the whole grid,
22 right? So you have a generating plant. A generating plant
23 will step up their voltage to a transmission level voltage.
24 That voltage is anything above 69 kV or above, right? So you
25 have different voltage classes depending on where they are

1 connecting to. And there is a reason for the higher voltages
2 and I'll explain that in a minute.

3 From transmission, you hit a stepdown transformer to
4 distribution voltage levels, which are below 69 kV. And the
5 distribution level voltages are what people would see on the
6 streets or the side streets. Transmission voltages are what
7 you'd see in a right-of-way. And then the generating plants
8 are what the generating plants are.

9 The transmission system 69 kV and higher is or has
10 oversight by the Department of Energy, which then transfers
11 that authority to FERC, the Federal Energy Regulatory
12 Commission, who in turn turns over reliability of the grid in
13 coming up with standards to the North American Electric
14 Reliability Corporation, which is a nonprofit organization,
15 which has split up the country into various subregions for
16 reliability coordinators. And then they administer regionally
17 the standards, the oversight, and whatnot that, that we have to
18 adhere to.

19 Just back to the other slide for a minute, anything
20 below the 69 kV level is part of state jurisdiction, right? So
21 each state controls the, the distribution authority. That,
22 that goes through your traditional rate-making methods. And
23 all maintenance and all construction are done under the state
24 laws and guidelines.

25 All right. So, yeah, this is going to get maybe a

1 little complicated. But let's start out. So this is on the
2 left is a depiction of, you know, the lower 48 United States
3 and then we have New England culled out on the right. And I'll
4 explain that in a minute.

5 So if you look at the grid, the grid is separated
6 into three distinct grids in the lower 48. So there is the
7 eastern interconnect, the western interconnect shown in tan,
8 and then there is ERCOT, which is basically the state of Texas,
9 right? And under, under the guidelines of federal oversight,
10 the eastern interconnect and western interconnect have that
11 federal oversight. ERCOT is a little bit different, because
12 there's of course state boundaries. So there is some input
13 from FERC on, on ERCOT, but they're kind of their own entity.

14 The interconnects are, are important, right, because
15 everything in the interconnect is magnetically coupled, right,
16 meaning if, if I have an issue in New England where I have a
17 generating plant trip offline, every, every area in the
18 interconnect will see that disturbance. And all the generating
19 plants in the interconnect will react to that disturbance. Now
20 the closer those plants are to the point of having the issue
21 will see the bigger impact. But the whole interconnect will
22 see the issue.

23 Q. So when you say the interconnect, I just want to make sure
24 I understand that. And obviously today we're focusing in on
25 New Hampshire. So what is the interconnect that --

1 A. So the interconnect is all the lines are connected. So in
2 a transmission, from transmissions operations, right, the, the
3 lines are all in, meaning they're, they're like a highway,
4 right? So you can get in your car and you can go anywhere you
5 want in the country. There's no stopping you. Right? You can
6 go on any road and go, and you can just follow it. If there is
7 a traffic issue, you can go around it and find a different road
8 because you've got Google Maps, right? And you can go
9 anywhere, right?

10 Distribution, a little bit different. They're all
11 dead-end roads, right, that have either a blockade on them that
12 the -- that the system operator can close and let you continue,
13 right? That's what they do from operational perspective. But
14 transmission is different. It's all interconnected. Power
15 just flows. If there is a problem in one region, it can affect
16 another region, right?

17 And we've seen that. We've had blackouts. We had
18 the 2003 blackout which actually started up in Ontario, went
19 around the Great Lakes, took out everything Ohio, Pennsylvania,
20 New York. The operators saw that coming and they opened up
21 breakers in Connecticut. And they stopped the blackout from
22 hitting New England. Right?

23 So the NERC standards, right, which were created were
24 to prevent blackouts. So there's NERC standards on relay
25 protection and what they have to do to document relay

1 protection, make sure they're maintaining relays properly.
2 There's NERC operating procedures for operators, right, where
3 we have system restoration or how we operate the system, our
4 stop in SCADA, our limits in SCADA are accurate, right?

5 So there is a whole slew of standards, reliability
6 standards that we have to maintain in order to keep system
7 reliability where it needs to be.

8 Q. All right.

9 A. Now on the right-hand side, right? So we're in yellow,
10 NPCC, so the Northeast Power Coordinating Council, is the
11 reliability coordinator for New England, and into Montreal and
12 Ontario, and up to Quebec. Quebec is shown separately, right,
13 because there is some magnetic coupling AC circuits, but there
14 is mostly DC circuits that come down through Quebec. And they
15 are not magnetically coupled, meaning if I have an issue in New
16 England, Quebec may not see it because they are not
17 magnetically coupled.

18 And my saying magnetically coupled, it's very similar
19 to you have a magnet on your refrigerator, you place it on
20 there and it holds, right? These machines do the same thing.
21 They connect to the system and the system kind of holds them
22 all together. And it acts as one big machine. Right?

23 So in the NPCC profile there are balancing
24 authorities, right? And we're part of the ISO New England
25 balancing authority. There is also an ISO New York and there's

1 other entities up in -- up in Canada. And what the balancing
2 authorities do is they're responsible for load forecasting,
3 dispatching generation, day ahead markets. They interact with
4 the load control centers in each region. They give them that
5 generation dispatch. We load it into our control systems and
6 our control systems, which they're doing power flows, you know,
7 they use that generation dispatch to determine where the power
8 is flowing.

9 And that's important, right? Because if a generator
10 trips offline or a line trips offline, the flows can
11 automatically change, just like you driving your car, hitting a
12 road block, and going around. Power flows can do the same
13 thing. They just automatically change. They don't need a
14 Google Map. It's all connected. They just change, right?

15 So the operators always have to be monitoring and
16 have to be looking at the system to determine that they don't
17 get into a state which could cause a reliability problem. So
18 in New England, we have six load control centers. There is one
19 up in Maine, the one in New Hampshire that we're under
20 discussion. We have one in Vermont, two in Massachusetts, one
21 in Connecticut. Now there has been a recent change with Rhode
22 Island. National Grid sold the operations of Rhode Island off
23 to PPL. They are not a load control center yet. They're still
24 being maintained by National Grid. But in the near future
25 here, we're going to have another load control center for PPL

1 in Rhode Island.

2 Q. So when you say load control center and you look at the
3 box in the bottom right-hand corner, it says NH(ESCC) 6/1/1970.
4 Is that what we are talking about today, the ESCC at New
5 Hampshire?

6 A. That's correct. And that's when the -- that's when the
7 load -- that's when the LCC was created.

8 Q. So regarding the transmission system, itself, does this
9 include overhead wires?

10 A. Yeah, mostly overhead wires. The transmission for the
11 most part in New Hampshire are -- is an overhead system
12 consisting of 345 kV, which is the major highway for
13 transmission, right? That's your four-lane highway carrying
14 lots of cars, carrying lots of power, right? And then there is
15 230 kV. We only have one line of that that goes up to
16 Littleton area, Comerford. And then we have 115 kV. 115 kV is
17 really the backbone of the transmission system that goes in to
18 serve the stepdown distribution stations that serve the retail
19 load.

20 Q. Okay. Are there any underground cables in the
21 transmission?

22 A. There are some underground, but it's very limited. We may
23 go down for 2 or 300 feet and then come back up, unlike Boston
24 which has a large underground network through Boston for
25 transmission. Maybe there's some underground in Connecticut.

1 For the most part, in New Hampshire, both the distribution and
2 transmission are overhead.

3 Q. So you mentioned substations and you mentioned stepdown
4 transformers. I want to turn your attention to the substation
5 system for a second. What is a substation and how does it
6 relate to the transmission and distribution system?

7 A. All right. So, so when we look at this, you have the
8 power equation which is part of ohms, power is equal to voltage
9 times current. Right? So for the same power flow, voltage and
10 current are inversely proportional. If you increase the
11 voltage, you decrease the current, and vice versa, right?

12 So for the same power flow, if I have 100 volts and I
13 have 10 amperes of current, I'm going to have 1,000 watts or
14 1 kilowatt. If I step that voltage up to 1,000 volts, I'm
15 going to have 1 ampere of current. Now that's important,
16 right, because lines are always thermally limited, right? So
17 like the analogy where you hit the roadblock in the street and
18 you go around, right? What -- when you do that for a whole
19 bunch of power flow, you could overload a line putting too much
20 current through it. And you have to be attune to that, right?
21 So the current in the conductor, the conductor is rated for a
22 certain current value, and if you exceed that value you could
23 cause damage and an outage.

24 Now the stepdown areas, right, are when we step the
25 voltage down. So for efficiency's sake and for transporting

1 power for great distances, we step the voltage up to the
2 transmission voltage, right, 765, 500, 230, 115 kV. We then go
3 into a substation. It steps the voltage down to what we call
4 the primary distribution voltage. These are voltages you would
5 see on main streets or side streets in the primary line at the
6 top of the pole, right? So in New Hampshire we run 34 1/2 kV;
7 13A kV, very small pieces of it; 12 1/2 kV; and 4 kV. Those
8 are primary voltage distribution.

9 And then on your pole out front of your house, you
10 would have another transformer which then steps that voltage
11 down to a utilization voltage, the 120/240 you have in your
12 home. Businesses have 277/480. And some businesses have
13 600 volt.

14 Q. So going back to substations for just a moment, how -- do
15 you know how many substations are there?

16 A. There's approximately 185, somewhere in there.

17 HEARING OFFICER DURYEA: And this is in New
18 Hampshire?

19 THE WITNESS: This is in New Hampshire.

20 HEARING OFFICER DURYEA: All right.

21 BY MS. RUGGIERO:

22 Q. All right. So looking, you started to touch on
23 distribution and I just want to make sure we get all of our
24 terminology correct. You've mentioned the word conductor. You
25 mentioned wires. So when we talk about the overhead, the main

1 type of conductors are wires. Is that correct?

2 A. That's correct. Right. So the wire types you can -- they
3 are measured in circular mils, right, which is a fancy term,
4 engineering term for saying the cross-sectional area of a
5 conductor. Right? So the cross-sectional area of the
6 conductor, if you increase that you can carry theoretically
7 more current through it. Right? So the conductor size is
8 heavily, you know, measures heavily on how much current you can
9 put through it and how much power can flow based on the voltage
10 level you're operating on.

11 Q. Now in PSNH with distribution, are we talking underground
12 and overhead or predominantly overhead?

13 A. It's predominantly overhead. But there are underground
14 sections. So we do have a small network in Manchester. And we
15 didn't talk about networks. Like I can talk about that in a
16 minute. But most of it is, is overhead. We do have
17 underground, but it's, it's not to the extent of like when
18 someone looks at the City of Boston, right? You don't see any
19 overhead, right, through Boston. We don't have stuff like
20 that. Most of it is overhead.

21 Now networks are a little bit different, right?
22 Networks are a distribution particular type of circuit where
23 the primary lines and the secondary lines, utilization lines
24 are all tied together. They're all -- so all the secondaries
25 are tied together. All the primaries tied together. And if

1 you lose a single transformer, you don't lose power.

2 And that's how Boston is. So they've got huge
3 networks in Boston, right? Because they have a city. In New
4 Hampshire, you don't have that. If you -- if your individual
5 transformer outside your house is bad, your power is going to
6 go out. That's the difference.

7 Q. So you said we do have some overhead distribution. We
8 have some underground distribution. Are they both fed by
9 transmission?

10 A. No. Well, the -- well, eventually, right? So the
11 transmission lines feed the distribution substations, which in
12 turn feed all the distribution circuits.

13 Q. So the interface between the transmission system and the
14 distribution system is a substation?

15 A. That's correct.

16 Q. Okay. So within the company's organization, who works on
17 the overhead?

18 A. So we have a transmission line group that works on, on
19 transmission. It's rather small and kind of new. We do have a
20 lot of contractors that, that work on the transmission system.
21 We are in the process of building up our transmission group and
22 line department, right? So it's very small now, but we are in
23 the process of growing that. On the distribution side, there
24 are distribution line workers, right? There's line workers in
25 the area work center.

1 There's troubleshooters in my group that do repairs.
2 For substations, you have substation personnel that work, you
3 know, in the fence, if you will, on all the transmission
4 components. In that same substation group there are relay
5 technicians, communication and control technicians, and what
6 they call field engineering, which also is dealing with relays
7 and whatnot.

8 We don't have a specific underground department. All
9 of our overhead line workers also work underground.

10 Q. So with respect to the overhead line workers, do they have
11 a supervisory structure?

12 A. They have a supervisory structure. So if you look at our
13 line worker department, each bucket truck consists of two
14 persons. One is a union line worker and one is a working
15 foreman who is part of the management structure. So the
16 working foreman supervises the union line worker in the truck.
17 And the working foreman is in charge of all aspects of all the
18 work that they are doing that day.

19 Q. And he is -- he's non-union. Is that correct?

20 A. He's non-union, that's right. And then associated with
21 those, you have line supervisors that are in the area work
22 centers, that have a particular subset of line trucks that work
23 for them. And then you have a manager, regional manager. We
24 separated the state into five regions. And then you have a
25 director of field operations, which has all those people

1 underneath reporting to him.

2 Q. And then with respect to the -- actually, before I get to
3 that, is it the same for transmission and distribution, are
4 they in the same department? Do they -- are the same folks
5 working on the D lines and the T lines?

6 A. Yeah. So the transmission line department, the small one
7 that we have reports -- they have also working foremen. They
8 also report up to a supervisor, a manager, who also reports to
9 that same field operations director.

10 Q. But they are different personnel working on distribution
11 and transmission. Is that correct?

12 A. That's correct. But transmission can work on distribution
13 lines. We do it all the time. On storms, right, we'll convert
14 them to D and they'll work on distribution lines. And there is
15 some transmission where I believe that some of the field
16 operation line workers can do. And the troubleshooters also do
17 inspections at all the substations, whether they're
18 transmission substations or distribution substations.

19 Q. Two questions came to me. When we talked about how many
20 substations we have, was that both transmission and
21 distribution?

22 A. Yeah, it's a wholistic number. I mean so it's about 185,
23 somewhere in there. I mean it doesn't change every day,
24 obviously, right? But it changes over time, right? So you're
25 constantly upgrading equipment and putting other stations in,

1 rebuilding stations. So it changes over time. It's about 185,
2 somewhere in there.

3 Q. So turning to the substation personnel, do they have a
4 separate supervisory structure from the line department?

5 A. Yes, they do. So you have in the -- in the substation
6 group, you'll have field electricians that they work on
7 breakers and some of the electrical apparatus, right, the
8 transformers, anything associated with all that kind of
9 electrical apparatus, transformers, breakers, CCVTs, which are
10 current or capacitive coupling voltage transformers, you know,
11 that kind of thing.

12 And then you have relay department, which works on
13 the relays, which the relays sense the current and voltage in
14 the lines and will automatically open or close breakers,
15 sending that indication in SCADA to the operators, who then
16 make a decision whether we close in, go out and do repairs.
17 They kind of make that decision with the -- with the RSS being
18 the primary person on shift making the determination. Right?

19 So the interplay between all the departments really
20 is that they, they all report in some form, you know, they
21 don't report directly to system operations, but what they're
22 doing on daily work, or what they're doing for maintenance, or
23 what they're doing for plant work, right, all goes through for
24 the most part system operations. And if there is a problem on
25 the system, you know, system operations are the first ones to

1 be notified and put together an overall plan, high level, on
2 how we're going to attack it.

3 Q. You mentioned area work centers. What is an area work
4 center?

5 A. So an area work center, across the state of New Hampshire,
6 so we've segmented the state into five regions, right? So
7 there is an eastern region, which includes Portsmouth, Epping,
8 Rochester. Those are the area work centers. There is a
9 central region, which includes Nashua and Bedford area work
10 centers -- I'm sorry, Bedford and Hooksett area work centers.
11 There is a southern region which includes Derry and Nashua.
12 There is a western region which includes Keene and Newport.
13 And then there is a northern region which includes Tilton,
14 Chocorua, Lancaster, and Berlin.

15 The area work centers are where the line crews would
16 report to those locations every morning, get their truck, get
17 their work, talk to their supervisors, and put the plan
18 together for the day.

19 Q. All right. So we have area work centers. Do we have any
20 other facilities?

21 A. We do. So we have Energy Park, which is where the
22 controller rooms are located. We have other facilities like a
23 data center. I don't really want to say what that is on the
24 record, right, because it's a sub environment. But we have a
25 data center in Manchester. We have an automotive maintenance

1 center in Manchester. We have a call center in Manchester.

2 We have an area work center for the troubleshooter
3 line department that also includes some of the field operations
4 persons that are involved with recordkeeping, recordkeeping for
5 the poles, all of our assets, third party attachments. They're
6 over in Hooksett, as well.

7 We have other satellites associated with those area
8 work centers, because the areas are so big. So if you look at
9 Lancaster, Lancaster, that area work center has responsibility
10 for everything from Haverhill up to Pittsburgh, the whole
11 western portion of the northern part of the state, right? It's
12 very big, right? So we have a satellite area work center up in
13 Colebrook, where line department -- where line personnel report
14 to in the morning. Right? And then Keene, we have a satellite
15 in Peterborough where line department personnel report to in
16 the morning.

17 We also have a central warehouse in Bow, right, that
18 houses all of our equipment for repairs and capital jobs that
19 we're doing. And then each area work center has their own
20 stock yard where they keep emergency repair equipment there.

21 Q. And what about corporate offices?

22 A. What about corporate offices? Right, so from a corporate
23 perspective, you have Westwood, which has some of the corporate
24 offices. Prudential Building in Boston, right, has some of the
25 corporate offices. And Berlin, Connecticut, would have some of

1 the corporate offices, right. And there's corporate functions
2 like yourself, right. You're out of Connecticut, right? You
3 support New Hampshire.

4 Engineering is kind of centrally -- a central
5 department for all of -- all of Eversource. And so they have
6 individual in New Hampshire, but they also have what they call
7 three-state personnel which supports all three states.

8 Q. I just want to clarify. You've mentioned the term Energy
9 Park. What is Energy Park?

10 A. Energy Park is the building I'm in, so that's the -- kind
11 of, if you will, the corporate office for PSNH.

12 Q. So are there to your knowledge any employees at PSNH that
13 are currently represented by a union?

14 A. Yes. So the union line workers are represented. You have
15 some admins that are -- that are represented. You have some of
16 the field electricians and substation operations that are
17 represented, some of the communication and control workers that
18 are represented. You have the trouble shooter line department,
19 which is represented. You have field technicians which work
20 for engineering, which are represented. They are the line
21 designers. They design the jobs. Not all of them. There is a
22 subset of them that are -- that are represented.

23 Q. And are they represented by the IBEW Local 1837?

24 A. Yes. Now it should be noted that like there's working
25 foremen I think in most of those departments. So the field

1 electricians have working foremen, right? The line workers
2 have working foremen. These are all non-union, right? You
3 have the communication control people, there is a working
4 foreman, right? The relay techs, there is a working foreman,
5 right? So all those departments have what we consider a
6 management personnel associated with them.

7 Q. All right. A couple of other terms that you've thrown
8 around, I want to make sure we understand them because I've
9 been here 22 years and I'm still not sure I understand them.
10 But the word load, what does that mean?

11 A. The word what?

12 Q. Load.

13 A. Load, okay. So load, load is the power equation, right?
14 So the load is measured in watts. So if you have 1,000 watts,
15 right, there's -- that a kilowatt. If you have a million
16 watts, that's a megawatt. Right? So in the utility industry
17 we're dealing a lot with megawatts, especially at the
18 transmission level. At the distribution level, you deal a lot
19 with kilowatts. So load is how much power is being consumed in
20 real time by all the individuals or all the customers that are
21 connected to the system. Right?

22 So load is important because generation and load
23 always has to match. You can't store energy, right? So if you
24 have 10,000 megawatts of load in New England, there are 10,000
25 megawatts of generation that's being generated at that point in

1 time. As the load comes up, the generation comes up. As the
2 load goes down, the generation goes down. It always matches.

3 And if it doesn't match, you start to have problems,
4 right? You have problems with frequency, right? If you have
5 too much load and not enough generation, your frequency,
6 60 hertz, right, is going to drag. If you have too much
7 generation and not enough load your frequency is going to
8 increase.

9 And that's important because all these machines as we
10 talked about are magnetically coupled. And what that means,
11 they're magnetically coupled at that frequency. If you go too
12 low in frequency, the machines will trip off and you could have
13 cascading events due to low frequency.

14 Q. What's a cascading event?

15 A. A cascading event is where the system cannot maintain
16 reliability, can't maintain stability. Right? So it cascades.
17 One generating plant will trip off, another one, another one.
18 It becomes uncontrolled until you have a complete blackout in a
19 region.

20 Q. So that -- so I guess the bottom line is, worst case
21 scenario what happens?

22 A. A blackout, a complete blackout. And a blackout, right,
23 remember it's not like a storm, right, where we can go out and
24 make repairs, and it all comes back in an hour and a half,
25 right? A blackout is a multiday event. And when you talk

1 multiday events, right, public safety is at risk. Personnel
2 safety is at risk. People die in a blackout. That's what
3 happens, right? People are on medical machines. They have to
4 go up elevators and stairs, right? Traffic is impacted, right?
5 It's a hugely impactful event both from a safety perspective
6 and an economic perspective.

7 Q. So when you talk about a blackout and it's not a word we
8 hear often thankfully, but we do hear the word outage, what's
9 the difference?

10 A. So an outage is something that happens kind of
11 individually, right? So a tree comes down on a particular
12 line, causes an outage to 300 customers. There's no problem
13 with the system overall except for that particular discreet
14 piece of the system, right? So a line worker is dispatched,
15 clears the tree, maybe puts the line back together, and then
16 power is restored. We have complete control over the response
17 and getting people going quickly.

18 If it's a blackout, you lose control or the ability
19 to act quickly, right? So if we have a blackout in New
20 England, right? Our first order of business is we've got to
21 get power to the nuclear plants, right? Nuclear plants have a
22 -- have a rating that they have where it's a withstand rating.
23 There's a particular term for it and it escapes me now. But
24 it's how long they can run without power to be able to cool the
25 nuclear fuel. Right?

1 If they can't do that, if it exceeds that you could
2 get into an issue where there is a meltdown, right? So the
3 first priority in a blackout at least for New Hampshire, right,
4 is to get power to Seabrook station. In Connecticut, it's to
5 get power to Millstone. And those are the only two nuclear
6 plants left in New England.

7 Q. Does an outage always involve customers being without
8 service?

9 A. No. So you can have a transmission outage, right, which
10 does not result in any customers impacted. However, if you
11 don't do something about that transmission outage, the next
12 outage could impact customers. Right? So we in the control
13 center are always operating with a line out, right? So if you
14 look at the system, transmission, all lines, right, we have in
15 the background on our system on a contingency analysis always
16 with a line out, right? And so we are looking for what's going
17 to happen with the next contingency, the next line out, the
18 next breaker open, the next loss of a transformer, what is the
19 state of the system, because the system's at risk if that next
20 contingency happens.

21 And if it comes out that there is a risk, we have to
22 come up with mitigating actions, maybe pre-contingent, it may
23 be post-contingent, that we have to work with ISO with and come
24 up with a plan of action. So we're always operating with a
25 line out condition, right, because the system is designed,

1 right, with all lines in, that when planning goes through and
2 designs the system, they're look at all lines in. And we get a
3 load problem somewhere, all right, we're going to build this
4 line, now all lines in, and we're good. However, if it's not
5 good, we've got to react.

6 And there are parts of the system where it takes a
7 long time to build something before you're already in that
8 worst condition, right? So for the longest time in the
9 seacoast of New Hampshire, we had a line -- a condition on the
10 lines where we were at risk of losing load, right? If we just
11 used the transmission system to serve that load, the next
12 contingency was going to cause a problem. So we would have to
13 put units on a must-run in the seacoast area so there was a
14 source in there to offload those transmission lines. That
15 must-run condition was paid for by the transmission customers
16 in New Hampshire.

17 HEARING OFFICER DURYEA: Ms. Ruggiero, can I -- can I
18 interrupt for a moment? We have been going along this line of
19 questioning for quite a while at this point, about an hour or
20 so. How much longer are we going to go on this?

21 MS. RUGGIERO: So I'm actually going to get into
22 outages right now, which I think is --

23 HEARING OFFICER DURYEA: Okay.

24 MS. RUGGIERO: -- important because that is what the
25 ESCC, when we have an outage, so when we -- this next line of

1 questioning will talk about outages, switching orders, tagging,
2 clearances, etc. And that is what these guys do.

3 HEARING OFFICER DURYEA: Okay. All right.

4 MS. RUGGIERO: So I'll get right into it.

5 BY MS. RUGGIERO:

6 Q. Mr. Dickie, can you talk about the difference between a
7 planned outage and an unplanned outage?

8 A. Yeah. So a planned outage is typically to either do
9 maintenance or capital work, right? So a planned outage is
10 someone in the field, right, would put in application to take a
11 line out, take a breaker out. We would get that application in
12 our platform called ITOA, which is an application program. The
13 outage coordinators would get that from a transmission
14 perspective, get it. They would analyze it to make sure
15 there's no other competing outages on the system, because we
16 have to maintain stability and reliability of the system.

17 They would then, in turn, send that application to
18 ISO New England. ISO -- we would look at our footprint in New
19 Hampshire. ISO New England would look in the footprint of New
20 England to make sure there's no competing outages. And they
21 would approve that outage. We would get it back as an approved
22 outage. We would write -- that would go to the control center.
23 They would write the switching to take whatever line or device
24 out of service. And then on the day of the outage, the
25 operators would execute that switching evolution.

1 Q. So we're going to talk about all of those concepts in a
2 minute. We'll talk about switching. We'll talk about control
3 center, workers, etc. But that was a planned.

4 A. Correct.

5 Q. So is it the same concept with an unplanned out?

6 A. No. So an unplanned outage is obviously the spur of the
7 moment, right? So a storm comes through, or a wind event, or
8 it could be anything, right? The line or device trips without
9 notice, right? So it's not planned. We weren't planning to
10 take it out. It just opens for whatever reason.

11 And there's a whole slew of reasons, right? You
12 could have a transfer, a relay scheme that opened it. There
13 could be some kind of vegetation that hit the line. There
14 could be a car that hit a pole, right? It could be an animal
15 that impacted the line, right? There's, there's a slew of
16 reasons, right? But how those differ from a planned is that
17 you have to react in the moment. You have to react in real
18 time.

19 Q. You mentioned switching earlier. What does that mean?

20 MR. YOUNG: I didn't hear your question, Angela?

21 MS. RUGGIERO: Switching.

22 MR. YOUNG: Switching? Thank you.

23 THE WITNESS: So switching is the act of isolating a
24 piece of equivalent in order to electrically isolate it so a
25 person can work. Now there's different forms of tagging

1 requirements and status of the equipment depending on the type
2 of work. So a clearance work is a natural outage on the line
3 or device where it's deenergized. You have a permission,
4 right, which is -- which is similar. It's deenergized, but
5 there is no visible openings, right? You don't have to
6 physically open up a device. You've just got to open up a
7 device in SCADA and it gets deenergized.

8 And then there is also non-reclose assurance, right?
9 So on our lines, right, we've all had the experience in our
10 homes where the line, you know, the power will go out, come
11 back on, go back out, come back on, and then the power goes out
12 all together. Right? So that's called a reclosing.

13 An NRA is where we shut off reclosing so a line crew
14 can go to work. And if they get into it, if something should
15 happen while they're working, they don't want that line to
16 reclose on them, right, so the line would just lock out. And
17 we give them non-reclose assurance.

18 BY MS. RUGGIERO:

19 Q. An NRA is non-reclose assurance?

20 A. Exactly, yeah.

21 Q. All right. Go ahead.

22 A. So I'll just recap. There's NRAs, permissions, and
23 clearances. And then there is also -- there are guarantees,
24 which are similar to the other three. But a guarantee is
25 something we give to another entity like National Grid or New

1 Hampshire Electric Co-op, right, because we're serving them
2 electrically or we're somehow connected with them and we would
3 give them a guarantee. And they would come up with their own
4 tagging.

5 Q. What is tagging?

6 A. Tagging is the act of tagging the boundary devices that
7 has whatever particular tag is required for that work, right?
8 So if I -- if I give a clearance and I open breakers, and I
9 open two sets of disconnects on either side of that line that's
10 going to be worked, I would tag, physically tag with -- there's
11 a clearance tag, those two boundary devices in the field.

12 I would also tag that in SCADA. We have all that
13 depicted in SCADA on our lines. And we would tag those two
14 open points in SCADA. Now that tagging prevents any SCADA
15 operation from taking place via an operator unless you clear
16 that tag, if it's a clearance tag, right? It has -- it has
17 certain algorithm permissions on it electronically in the
18 system, right, which prevents you from closing that until you
19 clear the tag.

20 Q. All right. SCADA, we're going to hear that term a lot.

21 A. Right.

22 Q. Can you explain for us what is SCADA?

23 A. So SCADA is -- it's an acronym, right? So system control
24 and data acquisition. And what that does is it takes -- all
25 the devices in the field have sensors associated with them,

1 current sensors, voltage sensors, status sensors, right?
2 Something open/closed, right? All those sensors convert the
3 analog data that they measure, right, in the form of current
4 and voltage, performance status, it's binary, open/close,
5 right? Converts it to an electronic signal which is then sent
6 to our SCADA servers.

7 And then from our SCADA servers, the operators have
8 an interface via their consoles in the control room to show
9 that data on the one lines. The one lines are depiction
10 schematics of the entire system. It allows it to display that
11 data to allow the operator to make informed decisions of what's
12 happening in the field.

13 So the SCADA control and data acquisition is just as
14 the name applies, right? It allows us control function. It
15 allows us to acquire the data. And it allows us to run all
16 kinds of analysis based on the data we get back from all that
17 equipment in the field.

18 Q. Who operates that SCADA system?

19 A. So from an operation standpoint, you have operator
20 level 1, level 2. You have the rotating shift supervisors.
21 You have the day shift supervisors. You also have the grid-mod
22 (ph.) team. Those are the IT SCADA technicians, right? They
23 can operate some stuff as well, mostly on the distribution
24 system. The system operations center, the dispatchers there,
25 right? The DSOs, the leads, which are the supervisors in the

1 SOC. The day shift supervisors in the SOC. And the manager,
2 right? They can all operate SCADA. They can't operate
3 transmission SCADA, but they can operate distribution SCADA.

4 Q. All right. And when we get to the org chart, we'll
5 explain the difference between the SOC and the ESCC. But
6 before we leave SCADA, how does someone actually access the
7 SCADA system?

8 A. So on their consoles, right, they -- so they would log in,
9 right, via a viewer on their consoles, right? That console is
10 connected to a computer, which in turn has a direct connected
11 line, you know, through a fire wall, to the SCADA servers,
12 right? So for control functionality, the SCADA system is on a
13 secured network. Nothing else can tie into it. No corporate
14 programs. It's completely separate. And the
15 operator would sign on their console. A viewer would come up.
16 And that's how they would get in.

17 Q. So that's how the operator gets in.

18 A. That's how the operator gets in.

19 Q. Now you listed various people that can operate SCADA. You
20 talked about level 1, level 2. You talked about the RSS, the
21 DSS. You talked about IT SCADA and grid-mod engineers. Do
22 they all access it the same way?

23 A. No. So the engineers, right, and we have type types. We
24 have some contractors as well, right? So the engineer is
25 internal to the company. They can sign on remotely. So

1 they're -- they can sign on through a virtual machine. That,
2 the machine itself, is located within the SIP (ph.) area in the
3 control room. And they sign on through that and then they can
4 sign onto SCADA, right? And they do that -- they can do that
5 remotely.

6 Now we do have contractors that can also sign in
7 remotely. Those contractors, in order for them to sign in,
8 they have to get a token, right? So this token, it's a small
9 number generator, right, that changes every 2 minutes or so,
10 right, different numbers, right? If they need access, they
11 would call into the control room. They would talk to the
12 rotational shift supervisor if it was on nights or the
13 weekends, and the rotational shift supervisor would give them
14 that number for access into our SCADA system.

15 Q. So is the token a physical piece of equipment?

16 A. It's a physical piece of equipment. We have two of them.
17 One is the primary and one is a backup in case the primary one
18 fails, right? And the key on those, right, the number key is
19 constantly matched up with a key in the SCADA servers, right?
20 So they know if someone is signing in with that key that that
21 number is going to match.

22 Q. Who has access to that token?

23 A. The rotational shift supervisor has access. The key is
24 kept in one of the, the glass offices in the control room.

25 Q. All right. So once on the SCADA system, can employees

1 engage in switching?

2 A. They can, right. So, yeah, once -- once they get in
3 there, they, they can engage in switching as long as they have
4 the permissions to do so, right? So from a -- the ESCC
5 operators, all of them have access through what we call area of
6 responsibility, AOR, right, which is a subprogram in SCADA that
7 allows you to segment employees based on what we want them to
8 operate.

9 So the ESCC has full operational ability across the
10 entire system, both transmission and distribution. The SOC has
11 authority through their sign-on in AOR for the distribution
12 system only. The reason for that -- the reason for that is you
13 have to be NERC certified in order to operate transmission,
14 right? So we don't allow any other employees to operate
15 transmission.

16 Q. Just so we're clear, because I know we've mentioned these
17 terms a couple of times already, the SOC, what does that stand
18 for?

19 A. System operations center.

20 Q. And that relates to what function in the company?

21 A. That relates to distribution operations. So they were on
22 distribution operations and basically they run storms.

23 Q. And the ESCC?

24 A. The ESCC, they run transmission and 34 kV distribution.
25 And they also are, are responsible for repairs on transmission

1 and 34 kV mainline.

2 Q. And because of certain qualifications that one must
3 possess to work in the ESCC, is it fair to say then that the
4 ESCC can sometimes have some control over the SOC, but not vice
5 versa?

6 A. Exactly.

7 Q. So we were talking about SCADA. We were talking about
8 switching. How does switching relate to tagging?

9 A. So when you switch something, so we call it switching,
10 right? So it's kind of a slang term. But so say I open a
11 breaker, right? The act of opening that breaker is switching.
12 The act of -- and then on either side of that breaker will be
13 some visible open disconnects, right? So I would give an order
14 to a field person, say open up Disconnect 301. And those are
15 physical disconnects that would drop open causing a visible
16 opening on one side of the breaker.

17 The switch person would open that up. And we would
18 say tag it with whatever tag is required. And then we'd say
19 open up the other disconnect on the other side of the breaker,
20 Disconnect 303. They would open those up and we would say tag
21 it. And we would tag it with a visible open type tag.

22 Q. Are there any procedures that specifically govern
23 switching and tagging?

24 A. Yeah. So we have ESOP 100, which is our main switching
25 and tagging document, which goes over all of the various tags,

1 who had control of the system, who, who is in charge or owns
2 the system, right, which system operations owns the system.
3 And everything that happens on the system is under the
4 authority of system operations and specifically the control
5 centers.

6 Q. You mentioned ESOP. What is an ESOP?

7 A. ESOP is --

8 MR. YOUNG: Angela?

9 MS. RUGGIERO: Oh, go ahead, I'm sorry, Jeff?

10 MR. YOUNG: You just put something up. What marked
11 exhibit is this on your --

12 MS. RUGGIERO: 14.

13 MR. YOUNG: 14. One moment, please. Thank you.

14 (Employer's E-14 identified.)

15 BY MS. RUGGIERO:

16 Q. Go ahead, Mr. Dickie. ESOP?

17 A. Yeah, so ESOP-100. So ESOP stands for Eversource
18 Operating Procedure 100. That's the acronym.

19 Q. Are ESOPs available to all employees to look at, at any
20 point in time?

21 A. Yes. It's located on the hub. Anybody can, can pull it
22 up and look at it. All employees that are on the authorized
23 persons list to do switching in the field or even do switching
24 in the control room have to go through specific training on
25 ESOP-100, switching and tagging.

1 MS. RUGGIERO: I'd like to have this marked as a full
2 exhibit.

3 THE WITNESS: Say that again?

4 MS. RUGGIERO: That was for the Hearing Officer. I'd
5 like to have this marked as a full exhibit.

6 HEARING OFFICER DURYEA: Sure. What number is this?
7 You said 14?

8 MS. RUGGIERO: Yes.

9 HEARING OFFICER DURYEA: All right. And you'd like
10 this admitted?

11 MS. RUGGIERO: Yes.

12 HEARING OFFICER DURYEA: Any objection, Mr. Young?

13 MR. YOUNG: No.

14 HEARING OFFICER DURYEA: All right, Company
15 Exhibit 14 is admitted.

16 (Employer's E-14 received.)

17 (Employer's E-2 identified.)

18 MS. RUGGIERO: All right. So we're going to turn now
19 to the organizational chart. This has been marked for ID as
20 Company Exhibit 2. And the Union had supplied parts of this as
21 their exhibit, so if there is no objection I'd like to have
22 this admitted as a full exhibit as Company 2. And that's the
23 org chart.

24 MR. YOUNG: I may still use my exhibit, Angela.

25 MS. RUGGIERO: Sure.

1 HEARING OFFICER DURYEA: All right, Company
2 Exhibit 2. And this is what you're showing right now, I see.

3 MS. RUGGIERO: It's a -- it's a 91-page document.

4 HEARING OFFICER DURYEA: Right.

5 MS. RUGGIERO: The organizational chart of the
6 electric operations of PSNH.

7 HEARING OFFICER DURYEA: All right. With no
8 objection, Company Exhibit 2 is admitted.

9 (Employer's E-2 received.)

10 BY MS. RUGGIERO:

11 Q. So Mr. Dickie, starting at the top, who is Doug Foley?

12 A. Yeah, so Doug Foley is the president of PSNH.

13 Q. All right. And looking here there is Jason Yergeau. Who
14 is Jason Yergeau?

15 A. Jay Yergeau is the director of field operations. So
16 underneath him, right, are all the line workers, field
17 operations, and all the transmission line workers internal are
18 under him. And the, the persons that take care of the assets,
19 right, recording the assets in the field. So he has -- he has
20 five regional managers, right? Tim Kenney for Central, Tom
21 Boulter for Eastern, Chris Hall for Northern, Scott Syrene for
22 Southern, and Tom Davis is the transmission manager. And then
23 Marc St. Cyr is the manager for the Keene area, the western
24 area.

25 Q. And fair to say that under any of these managers, we'll

1 click on Tim Kenney because he's first, who would report to a
2 manager?

3 A. So you have -- you have listed there the, the line
4 supervisors, right? So Dave -- so in the instance of Tim
5 Kenney, Dave Beliveau, Dennis Collins, Joe Pasqual, Chris
6 Brien, Daniel Pariseau, and John Turransky -- Josh Turransky,
7 right? So those are the line supervisors. And they are
8 located in either Bedford or Hooksett.

9 Q. And reporting to the supervisors?

10 A. The working foremen. So the working foremen report up to
11 those supervisors.

12 Q. And fair to say that line workers also report up to the
13 supervisors on the org chart.

14 A. Exactly. Even though they're, you know, they're reporting
15 to the working foremen, right, in the truck.

16 Q. And in this slide, for example, fair to say you've got
17 line worker 1, line worker 2, and a working foreman all
18 reporting to the supervisor.

19 A. That's correct.

20 Q. Do you know whether or not line worker 1 and line worker 2
21 are in the Union?

22 A. So the line worker 1, line worker 2 are in the Union.

23 Q. They're represented --

24 A. And they work -- excuse me?

25 Q. Represented by Local 1837?

1 A. Represented by Local 1837. And the working foremen are
2 non-represented. They are part of the management structure.

3 Q. Okay.

4 MR. YOUNG: Objection to the extent that he's
5 testifying that it's part of the management structure. The
6 Union has petitions filed at least for some of these foremen
7 and do not believe that they are management.

8 MS. RUGGIERO: The Union does not have a petition
9 filed related to any of the working foremen that we just talked
10 about.

11 MR. YOUNG: They do have petitions pending with
12 respect to some working foremen in other locations and who
13 perform the same work. And the Union's position is they are
14 not management.

15 MS. RUGGIERO: I understand. I just wanted to get on
16 the record that the working foremen that we just discussed are
17 not part of the petition.

18 MR. YOUNG: All right. I don't disagree with that,
19 more the character -- what I'm mostly talking about is the
20 characterization of them as management.

21 BY MS. RUGGIERO:

22 Q. All right. So moving on to Eric Sutton, can you tell us
23 who Eric Sutton is?

24 A. Yeah. So reporting to him are -- is Perry McKinney. So
25 Perry McKinney is in charge of the, the field engineering

1 group, the communication and control group. The field
2 engineering group is the, the relay technician group. And then
3 they have the communication and control, which is in charge of
4 the communication system for SCADA operations, right? They
5 take care of all that.

6 Also underneath him Scott Burwell, which is a
7 construction supervisor so he has a subset of people working
8 for him that will do physical civil construction, right,
9 underneath him. And then -- and then there's Chris Wayland. I
10 don't know if you want to go back, but --

11 Q. Let's start with Perry McKinney.

12 A. Oh, okay. Yep.

13 Q. Under Perry McKinney, we have supervisors and senior
14 supervisors.

15 A. Right. So you have, yeah, Franklin Bongiovanni, right?
16 He takes care of field, field communication. So we call that
17 SCADA communication, right? They take care of the
18 communication from the device to the SCADA servers, right?
19 Jacob, Jake Persons is also a supervisor in that field
20 communications group. And then Paul Boucher, he's in charge of
21 the relay department.

22 Q. All right. So Frank Bongiovanni, who does he have
23 reporting to him?

24 A. So you have working foremen and then the communication and
25 control workers, whether they are 1, 2 or 3s.

1 Q. Are these communication and control specialists or workers
2 represented by Local 1837?

3 A. They are, with the exception of the working foremen.

4 Q. And Mr. Persons?

5 A. Right. So he, he also has the communication specialist,
6 communication control worker, and whatnot. Same thing as the
7 other group.

8 Q. Are the specialists and worker 1 represented by
9 Local 1837?

10 A. That's correct. And the working foremen are not. Paul
11 Boucher, same thing. You have the communication -- they call
12 them communication and control workers. These are really the
13 relay people. And then you have the working foremen. So same,
14 same thing, the communication and control workers are
15 representative by 1837 and the working foremen are not.

16 All right, so this, Scott is the -- what we call the
17 construction group. They do have some system machinists in
18 there that were -- those were a holdover from when we had
19 generation and they had a machine department that kind of built
20 unique things for the generation department. It's part of
21 divestiture. We kind of kept those employees on, right?

22 So underneath them are the civil type workers that
23 they are construction mechanics, right? And then you have the
24 working foremen associated in that department as well.

25 Q. And same scenario here, are the system mechanics

1 represented by 1837?

2 A. Correct. So the working foremen are not.

3 Q. Okay. The system construction mechanics, are they also
4 represented by 1837?

5 A. Yes.

6 Q. And I think did we already talk about Paul's organization?

7 A. We did. The one that's left is Chris.

8 Q. One second. Give me one second. I apologize. Okay,
9 Chris Wayland.

10 A. Yeah. So he has several supervisors working for him,
11 right? And they again, right, they, they either have field
12 electricians, they do switching in the field, or system
13 electricians, which they may do some capital work as well.
14 Field electricians typically don't do capital work like
15 installing a breaker. But the field electricians may, right?
16 That's kind of the difference between the two groups, right?

17 So the system electricians, field electricians 1,
18 system electrician 1, system electrician 3, those are
19 represented by the IBEW 1837. The working foremen are not.

20 Q. Same structure under --

21 A. Yeah. So some of them, yeah, don't have any direct
22 reports, but same structure under, under Sean, right? Sean has
23 the same structure. He is field electrician 1. That's a
24 represented position. And then the working foremen is not.

25 Same, same scenario under Ben. You have field

1 electricians and system electricians that are represented. And
2 you have working foremen which are not.

3 Q. And Ryan Ruland?

4 A. Same, same exact thing.

5 Q. Okay.

6 HEARING OFFICER DURYEA: I'm sorry. Just to clarify
7 on the record, what is the one that you were just showing that
8 the witness just addressed? Ruland?

9 MS. RUGGIERO: Ryan Ruland.

10 HEARING OFFICER DURYEA: Okay.

11 BY MS. RUGGIERO:

12 Q. Okay. So let's turn our attention to your organization.

13 A. Yeah, so just a word on the chart up above, right, where I
14 report to Doug, right? So I directly report to Doug. Jay and
15 Eric also report to Doug. But there is a dotted line to me
16 from to Jay and to Eric. So even though it shows them where
17 they -- there is not a direct report does not mean that there
18 is not a direct report, right? So I have many times, you know,
19 I call Eric or call Jay, and I tell them, hey, we need to do X,
20 Y, Z today, right?

21 Q. Okay. All right, so you, your title here says vice
22 president electric system operations.

23 A. Mm-hmm.

24 Q. So what classifications are the folks that are your direct
25 reports?

1 A. So Dave Cloutier, he's the director of system operations.
2 He has the two control rooms and outage coordination under him.
3 And then Tim McHugh is the manager of electric service. He has
4 the troubleshooter line department.

5 Q. So let's start with Tim.

6 A. Yeah, so Tim has five supervisors that work for him. And
7 then -- go ahead.

8 Q. Joe, who reports, Joe Axne?

9 A. Yeah. So these are all the troubleshooter line workers,
10 right? So the troubleshooter line workers are all represented
11 by 1837.

12 Q. No working foremen?

13 MR. YOUNG: I'm sorry. Did you just refer to them
14 though as supervisors?

15 THE WITNESS: No, I, I referred to Joe Axne as a
16 supervisor. And then all the line workers are represented by
17 1837.

18 MR. YOUNG: So Axne and everyone on that line are not
19 in the Union. Is that it?

20 THE WITNESS: Yeah, that's right, yeah. So if we go
21 up, right, go up one, Angela. Right, so these are all the
22 supervisors, right? These are non-represented on this line.
23 And then you can click on every single one of these, but
24 they're all the same. It shows the troubleshooters which are
25 represented.

1 BY MS. RUGGIERO:

2 Q. And fair to say that there -- are there any working
3 foremen in the troubleshooter organization?

4 A. There are not. So that was negotiated, right, to be a
5 solely union represented position.

6 Q. And briefly state what the troubleshooters do.

7 A. So the troubleshooters are a 24/7 operation. They do work
8 straight shift, unlike the control rooms which work a rotating
9 shift. And they are always on the system. They will do, you
10 know, they respond to either outage or non-outage trouble.
11 They do maintenance functions, right, that they can do by
12 themselves, right? They work by themselves, in their own
13 vehicle.

14 They will do maintenance functions by themselves.
15 They will do some capital work that's smaller in nature by
16 themselves or we can pair them up to do it. And they are
17 always on the system. And they're, like I said, they report
18 primarily for outage, non-outage trouble.

19 When there's no, no outages or no non-outage trouble
20 and we have a bunch of troubleshooters on the shift, we have
21 them do maintenance activities, right? Inspect pad mounts,
22 inspect substations, right, inspect or patrol this particular
23 line. And then we have small capital work that we have them do
24 as well.

25 Q. And in looking at this, it says certain day shoot --

1 troubleshooter day shift and certain other ones are
2 troubleshooter night shift.

3 A. Yeah. So again, so they're a 24/7 operation. However,
4 they work set schedules, right? So day shift troubleshooters
5 work from 6a to 6p. Mid-shift troubleshooters work from 10a to
6 10p. And night shift troubleshooters work from 6p to 6a. And
7 they work different schedules, right? So a day shift
8 troubleshooter will work 3 days on, 2 days off, 2 days on, 3
9 days off. That's the same for the mid-shift. And then the
10 night shift works 5 nights, 2 days off, 2 nights on, 5 days
11 off.

12 Q. Okay. So moving over to Dave's organization.

13 MR. YOUNG: As in Dave Cloutier, just to clarify.

14 MS. RUGGIERO: Thank you.

15 BY MS. RUGGIERO:

16 Q. All right. Let's go under William, is it Gonya?

17 A. William Gonya, yep. He's the outage coordination
18 supervisor. Working for him are -- we have three outage
19 coordinators, right, so Chris Mulrain, David Ross, and Patrick
20 Tuttle are outage coordinators, right? And Mike Johnson is --
21 he's in charge of the system models, right?

22 So in, in OMS we have -- we have a system model built
23 on GIS. And then in DMS, distribution management system, which
24 is a subset of the SCADA, we also have system models, right?
25 And Mike Johnson is kind of a liaison to make sure those models

1 are correct between us, and the grid-mod group, and the GIS
2 group.

3 And then Ken Johnson is our mapper. So we maintain
4 schematics of all of our circuitry. Those are all hand drawn,
5 right? And if there's any changes to them, equipment added,
6 equipment removed, lines added, whatever it may be, Ken Johnson
7 makes those changes and posts them online.

8 Q. Are any of these folks represented by Local 1837?

9 A. No.

10 Q. All right. So --

11 MR. YOUNG: And which, which line are you talking
12 about that is not represented, the four people there or the --

13 MS. RUGGIERO: The five people under William Gonya.

14 MR. YOUNG: That's on page 58 of the exhibit.

15 MS. RUGGIERO: Correct.

16 MR. YOUNG: Thank you, Angela.

17 MS. RUGGIERO: You're welcome.

18 BY MS. RUGGIERO:

19 Q. All right. Let's look now to Peter Glynn.

20 A. Yeah. So working directly for Peter are three day shift
21 supervisors, right? So you have Connor Whearty, Katie
22 McLaughlin, and Kyle McCormack.

23 Q. So under Connor Whearty?

24 A. So we -- what we did to differentiate, right, from the
25 control center, the ESCC to the SOC is we created the term lead

1 in the SOC for, you know, I mean lack of any better name,
2 right? So the supervisors, the rotating shift supervisors in
3 the SOC are called leads. So working for Connor is Glenn
4 Franko and Ian Wiltshire.

5 Q. And what does --

6 A. Those are non -- nobody is represented in any of the
7 control rooms, right, as we go through this, if you ask that
8 question.

9 Q. What does the lead in the SOC do?

10 A. So the lead is responsible for the operators on their
11 shift. They're the decision-maker, the ultimate decision-maker
12 on their shift. They would hand out if there is any kind of
13 work. They would be responsible to make sure that work gets
14 handed out and gets completed, gets completed on time. They're
15 responsible for the overall shift change, when there is a
16 change between shifts, between that lead, the lead that's going
17 off and the lead that's coming on. And they're responsible for
18 the operators on their shift.

19 Q. So if we click on Glenn Franko, for example, there are
20 three people reporting to him. Who are these three people?

21 A. So they are the DSOs, right, distribution system
22 operators. And some of them are not full-fledged DSOs, right?
23 There's two different levels for the distribution operator,
24 right? There is a full, fully qualified DSO and then there is
25 an associate operator DSO. And it is timed requirement, right?

1 So as they get more experience, get qualified, they become a
2 full-fledged DSO.

3 Q. Okay. Katie McLaughlin?

4 A. Yeah. So under, under Kate, Katie is the day shift
5 supervisor, and Conor and Graham are rotating shift leads. And
6 underneath each of them are three DSOs, right, either DSO or
7 associate DSO. And the lead is responsible for the three
8 operators on their shift.

9 Q. And again this is in the SOC?

10 A. This is in the SOC, that's right.

11 Q. And then the last one is Kyle McCormack.

12 MR. YOUNG: Hold on. The Union isn't seeking at this
13 time to represent the DSO. I'm not sure why we're spending
14 time going over the DSO organization.

15 MS. RUGGIERO: Just to show Mr. Dickie's
16 organization. This is the last -- we can scroll back. This is
17 the last one anyway, so we can head back up.

18 BY MS. RUGGIERO:

19 Q. This is -- so we've already talked about two of the three
20 managers in Mr. Cloutier's organization. So the last manager
21 we have is Marc Dionne. What is Marc Dionne responsible for?

22 A. So Marc is the manager of the electric system control
23 center.

24 Q. Is that what we've been talking about as the control room?

25 A. Yes, we have.

1 Q. And is that the physical location of the six RSSs at issue
2 today?

3 A. That's correct.

4 MR. YOUNG: Just note for the record we're at page 57
5 of the exhibit.

6 MS. RUGGIERO: Thank you.

7 BY MS. RUGGIERO:

8 Q. All right. So let's -- how many people report to
9 Mr. Dionne?

10 A. All told, you know, 27, 28, somewhere in there, 27, 28.

11 Q. All right. So Mr. Messier, who is Mr. Messier?

12 A. So Ron Messier is a, a day shift supervisor.

13 Q. And what job titles report to him?

14 A. He has reporting to him the -- all of the level 1 and
15 level 2 system operators.

16 Q. You said all of. I see 10 blocks here.

17 A. Yeah, so there's, there's one set that goes with Ron and
18 another set that goes with Adrian.

19 Q. And who is Adrian? That's Adrian Zanetti?

20 A. Adrian Zanetti is another day shift supervisor. And
21 Adrian has a subset of the level 1, level 2's.

22 Q. To be clear, the level 1, level 2's are the operators that
23 are also part of this petition. Is that correct?

24 A. Exactly.

25 Q. All right. And then we have Andrew Grady. Who is Andrew

1 Grady?

2 A. So Andrew Grady is the senior day shift supervisor. And
3 reporting to him are the rotational shift supervisors,
4 including Marshall Diamond. So Marshall is kind of the senior
5 operator on shift, if you will.

6 Q. Do you know or do you have any, any explanation as to why
7 the six RSSs and one of the level 2 operators are reporting to
8 the same day shift supervisor?

9 A. Yeah. So from a -- from a band point of view, you know, a
10 pay band right there, the day shift supervisors, the two of
11 them, right, and the rotational shift supervisors are in the
12 same band. The senior shift supervisor is not, right, so
13 they're a band up.

14 So the rotational shift supervisors were put under Andrew,
15 with the understanding that the people on the shift report to
16 the rotational shift supervisor, much like Jay Yergeau and Eric
17 Sutton have a dotted line to me, right? So the rotational
18 shift supervisors are responsible for the level 1, level 2
19 operators on their shift.

20 Q. Notwithstanding the fact that the org chart doesn't
21 represent that.

22 A. Exactly.

23 Q. Similar in concept to working foremen, how they don't have
24 folks directly reporting to them.

25 A. Exactly.

1 MS. RUGGIERO: All right. Can we go off the record
2 for a moment?

3 HEARING OFFICER DURYEA: Sure. Off the record.

4 (Whereupon, at 12:38 p.m., a lunch recess was taken.)
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A F T E R N O O N S E S S I O N

(Time Noted: 1:38 p.m.)

HEARING OFFICER DURYEA: On the record. So off the record, the parties and I were discussing some stipulations about some exhibits. The parties agree to stipulate for the admission of Company Exhibits 1 through 17 to the extent that they have not already been offered and received. Is that -- is that correct, Mr. Young?

MR. YOUNG: Not exactly. I said I'll stipulate to their authenticity.

HEARING OFFICER DURYEA: Yes.

MR. YOUNG: Till I've heard a little evidence, it's possible I might have an objection to their relevance. I don't have any objection to the relevance of -- let's see what the equivalents were again. Company Exhibits 5, 6, and 11. Those can be admitted. We've already admitted 1 and 2, correct?

HEARING OFFICER DURYEA: That's correct.

MS. RUGGIERO: And 14.

MR. YOUNG: Well, hold on. Let me just bring up the company exhibits again. I don't have any objection to 3 or 4. I'm agreeing to 1 through 7 right now. Not sure about 8, 9, 10.

MS. RUGGIERO: So I must have misunderstood this. I thought when we were off the record, the understanding was that you were agreeing to 1 through 17 coming in as full exhibits.

1 18 and 19 you weren't objecting to relevancy -- I'm sorry, you
2 weren't objecting to authenticity. You were objecting to
3 relevancy. Did I misunderstand that?

4 MR. YOUNG: I thought what I had said I might have an
5 objection to relevance of some of your documents, but I wasn't
6 questioning the authenticity of any of them.

7 MS. RUGGIERO: Okay.

8 MR. YOUNG: Now to clarify, I don't have any
9 objection to 1 through 7 at all, in other words that they are
10 relevant. I just might need to hear a little bit of testimony
11 about some of the other ones before I agree to their admission.
12 I'm just not totally, you know --

13 HEARING OFFICER DURYEA: All right. So for right now
14 Petitioner has no objection to the admission of company's 1
15 through 7. Correct?

16 MR. YOUNG: Correct.

17 (Employer's E-3 through E-7 identified.)

18 HEARING OFFICER DURYEA: And so 1 and 2 are already
19 admitted, so let's go ahead and designate Company Exhibit 3,
20 Company Exhibit 4, Company Exhibit 5, Company Exhibit 6, and
21 Company Exhibit 7 to be -- to be received.

22 (Employer's E-3 through E-7 received.)

23 (Employer's E-11 identified.)

24 MS. RUGGIERO: And Company Exhibit 11 is the same as
25 one of the Petitioner's exhibits. So I assume, Jeffrey, you're

1 okay with that one?

2 MR. YOUNG: I am, right. And also I think we've
3 already received 14.

4 MS. RUGGIERO: Correct.

5 HEARING OFFICER DURYEA: That's correct, 14, right.
6 Okay. So just to be clear, what has not been identified yet
7 but I'm prepared to receive are Company Exhibit 3, 4, 5, 6, 7,
8 and 11. Is that correct?

9 MS. RUGGIERO: Yes.

10 MR. YOUNG: Yes.

11 HEARING OFFICER DURYEA: Okay. So all of those
12 exhibits are now received.

13 (Employer's E-11 received.)

14 HEARING OFFICER DURYEA: We were also talking about
15 Petitioner's exhibits and a stipulation that they also be
16 received. I believe we discussed that the Employer has no
17 objection to the receipt of Petitioner Exhibits 1 through 5.
18 Is that correct?

19 MS. RUGGIERO: No. It's actually 1 and 2. We're
20 removing 3 and 4. And I'm going to lump Petitioner 5 in with 6
21 and 7 regarding a relevancy objection at this point.

22 (Petitioner's P-1 and P-2 identified.)

23 HEARING OFFICER DURYEA: Okay. So for right now
24 we'll go with Petitioner 1 and Petitioner 2 as, as admitted.
25 Is that -- does that sound right?

1 MS. RUGGIERO: Yes, to me.

2 HEARING OFFICER DURYEA: All right.

3 MR. YOUNG: Just to be clear, I thought you had
4 agreed to 5, but now may not agree? You're reserving, Angela?

5 MS. RUGGIERO: I am.

6 MR. YOUNG: Okay, thank you.

7 HEARING OFFICER DURYEA: All right. So Petitioner's
8 1 and Petitioner 2 are received.

9 (Petitioner's P-1 and P-2 received.)

10 HEARING OFFICER DURYEA: And with that I think we're
11 to the point where we can continue with Mr. Dickie.

12 CONTINUED DIRECT EXAMINATION

13 BY MS. RUGGIERO:

14 Q. Welcome back, Mr. Dickie.

15 A. Good afternoon.

16 Q. All right. We're going to shift gears a bit now to talk
17 specifically about the operations shift supervisor or the
18 rotating shift supervisor as we've been calling them today.
19 What I have up on the screen is a position profile that states
20 it is for the operation shift supervisor, the job profile name
21 supervisor shift operations. Do you see that document?

22 A. Yes, I do.

23 HEARING OFFICER DURYEA: And just to be clear, we're
24 talking about Company Exhibit 5. Right?

25 MS. RUGGIERO: Yes.

1 BY MS. RUGGIERO:

2 Q. So let's start with the basics. The job description
3 indicates on the upper right-hand corner that the effective
4 date was November 19, 2018. Do you now when you first started
5 filling these positions?

6 A. They were in I think March of 2019.

7 Q. Did you have any role in creating this position?

8 A. Yeah. So these positions were created while I was the
9 director. I, I put the initiative forth. And just from
10 contacts, right? So if you look at where we were in 2015,
11 right, so we had the ESCC. They weren't in the building
12 they're in now. There were 12 people in that -- in that
13 department, right? 10 operators working a 5-week schedule.
14 And that the only department really in system operations that
15 exists today.

16 In 2015, we created the SOC and we created the
17 troubleshooter group. And all three departments we have grown,
18 right? So in the ESCC specific, we went from that original 10
19 operators up to today which is a total of 28, including the
20 rotating shift supervisors, right? So the rotating shift
21 supervisors were created to provide supervision on shift,
22 right?

23 So associated with creating the two groups, right,
24 was the way we were operating the business and all of the
25 operational devices we were putting on our system, right? So

1 we went from having about 6,000 applications a year for work to
2 today about 12,000. It's almost doubled, really, the work
3 coming through the control room. And with that, right, the
4 complexity of doing all the work really required a supervisor
5 on shift to not only manage the workload, but manage the people
6 on the shift, right? And to be responsible to make sure they
7 were trained, they were doing the right things, they were doing
8 what they needed to do, and to coach them when, when things got
9 awry, right?

10 That was the purpose of creating this rotational
11 shift supervisor was to stand back, get the big picture, and
12 let the operators, the level 1, level 2 do their work while the
13 rotational shift supervisor had, had the big picture in mind,
14 right? And kept everybody doing what they need to do.

15 We had many situations where we had a fall off on the
16 system in real time and there was no one orchestrating the
17 event, right, in the room. We felt that having a rotational
18 shift supervisor, someone of a management caliber, would be in
19 there that, that could orchestrate and tell people, hey, you
20 need to do this, I want you to do this, and another person I
21 want you to do this and this, right?

22 So because of the complexity that was added to our
23 system and, and the number of people added, this position was
24 created. We did it -- we did in the SOC, too, right? We, we
25 created the lead position because we grew that department as

1 well.

2 Q. I want to clarify a couple of things that you testified
3 to. You stated that back in 2015, you had 10 operators. And I
4 think you testified that you have 28 today.

5 A. Yeah, something like that. So I think 28 total. One
6 position is unfilled, right? So 28 total. So the operators
7 themselves, right, there's 18 operators, 6 rotational
8 supervisors, right? So the operators are level 1, level 2,
9 went from 10 to 16, right? And then we added the rotational
10 shift supervisor in there.

11 Q. So when you talk about the 10 operators, I want to be -- I
12 want to be clear. In the petition that's currently before the
13 Board, there's a total of 24 people in the unit, 18 operators
14 and 6 rotating shift supervisors.

15 A. Right. And then on top of that there's three day shift
16 supervisors, a manager.

17 Q. Okay. So your 28 included the manager, the day shift
18 supervisors, the rotating shift supervisors, and the operators.

19 A. That's right. And we've got one position that's still
20 open and not filled.

21 Q. Okay. Thank you for that. You also mentioned that back
22 in 2015 we had about 6,000 applications for work. What does
23 that mean?

24 A. So the application -- that's planned work, right? So if
25 someone is going to do planned work on this line, they need

1 this on NRA (ph.) or they need a clearance on this particular
2 piece of equipment, right? Those applications were about
3 6,000, maybe 7,000 per year. Right? It was -- it was
4 relatively small in comparison to today, which is 12,000
5 individual applications for work, right, that is -- that is
6 required now that we get on a yearly basis.

7 Q. What caused, if you know, what caused that increase?

8 A. So some of it is DA, right? So we put distribution
9 automation on the entire system, 34 12 kV and 4 kV systems. We
10 also took over controllership. So it wasn't that long ago
11 where some of our 12 and 4 kV systems there was no application
12 required for work, right? That was controlled by the local
13 area work center. And they wrote their own local switching and
14 they would go to work. Now the entire system is under system
15 operations.

16 Q. So let me ask you this. If you, you had 10 operators, now
17 you've got 18 operators. You had two additional people,
18 arguably they were management people. So you created this new
19 position. Why didn't you just hire more day shift supervisors?
20 What's the difference between the day shift supervisor and the
21 rotating shift supervisor?

22 A. So the day shift supervisor isn't on shift with the
23 operators, right? We wanted a rotational shift supervisor to
24 be responsible for the shift. We wanted a managerial type
25 person on that shift to provide training to the operators

1 coming in; to, to give their work out, and you need some
2 discretion to do that, right? You couldn't just give every
3 operator this complex, one complex job without putting some
4 thought into whether or not they could do that type of work.

5 And we found that not having a supervisory person on
6 shift, the guys, the operators weren't necessarily divvying up
7 the work the way they should. And there was no one
8 orchestrating, if you will, the response to various outages
9 that we had. They weren't orchestrating the response for the
10 field people, telling them you need to go here, you need to go
11 there, we need to do step restoration. There was no one really
12 orchestrating that, right? So we really needed a supervisory
13 person on shift to do that.

14 Q. So during the day, is there not a day shift supervisor
15 working?

16 A. During the day there is a day shift supervisor working.
17 But there is a lot of administrative and follow-up tasks that
18 are required. So what we found was the day shift supervisors
19 right there, they're pulled off doing other things whether it
20 be a three-state initiative or following up on equipment that
21 was broken on the overnight, or even the week prior and they're
22 chasing that down to make sure repairs are going to be made, or
23 handling all the administrative tasks that are required, right,
24 for the control rooms, right?

25 If you can imagine, right, a lot of the work, where

1 it comes up through these control rooms and there's a lot of
2 administrative follow-on that has to take place, right? If
3 we're putting new equipment in, that new equipment has to be
4 dictated -- or depicted on our schematics, on our screens so
5 that we can see it, right? It has to be recorded in GIS so the
6 automatic models come up, and automatically get built and get
7 built correctly. Otherwise, we could be responding to an event
8 without having the system be properly depicted on our screens.
9 And we could respond improperly.

10 Q. Do you recall you stated earlier that in 2015 there were
11 12 total people in the department, 10 were operators. Do you
12 recall what the other two positions were?

13 A. Yeah. One was the outage -- an outage coordinator kind of
14 doing -- he was kind of a jack of all trades. He was wearing
15 multiple hats. And the other was a supervisor.

16 Q. So in essence you only had one supervisor over all the 10
17 operators.

18 A. Yeah.

19 Q. Got you, all right. Going back to Company Exhibit 5, are
20 you familiar with this document?

21 A. Yeah. So this is the position profile for the system
22 operations or the rotating shift supervisor.

23 Q. And looking over the document -- do you have a copy in
24 front of you as well on your own screen?

25 A. I, I don't. I can get one.

1 Q. That's okay. I can scroll through this one. I just want
2 you to confirm whether or not the job description represents
3 the realities of what the job currently does. So read through
4 it, let me know if you agree with that.

5 MR. YOUNG: That's what's on the screen, Angela?

6 MS. RUGGIERO: Yeah.

7 MR. YOUNG: Thanks.

8 THE WITNESS: Yeah, so you, you just want me to read
9 box 1 or you want me to keep reading?

10 BY MS. RUGGIERO:

11 Q. No, keep reading.

12 A. Okay.

13 (Pause/witness reviews document)

14 BY MS. RUGGIERO:

15 Q. All right. Having read through the job description, does
16 that description represent the realities of what the job is,
17 its responsibilities and functions?

18 A. Yes. So they are responsible for overall operation while
19 they are on shift. That, that holds for all work that's being
20 performed whether it's being performed by them individually or
21 the -- or the operators that are on shift that they're
22 responsible for. They're responsible for the operations while
23 they are on the shift duty.

24 Q. And you say this position has been in existence since
25 2018?

1 A. Well, the position was created in 2018 as far as the job
2 profile, right? And then we started filling it in 2019, early
3 2019.

4 Q. Has this position ever been in the Local 1837 bargaining
5 unit?

6 A. No.

7 Q. Has it ever been in any bargaining unit?

8 A. No.

9 Q. Has it always been considered supervisory?

10 A. Yes.

11 Q. Are these jobs on the same pay scale or a different pay
12 scale from bargaining unit jobs?

13 A. They're on a different pay scale.

14 Q. Can you explain that?

15 MR. YOUNG: Excuse me. When you say bargaining unit
16 jobs, are you referring to individuals, Angela, who are
17 currently represented by Local 1837?

18 MS. RUGGIERO: Yes. Thank you.

19 MR. YOUNG: Yeah, thank you.

20 THE WITNESS: Yeah. So these are salaried -- I'm
21 sorry.

22 BY MS. RUGGIERO:

23 Q. Let me -- so looking specifically at jobs in the 1837
24 bargaining unit, can you explain the -- explain the difference
25 between the manner in which the RSSs are paid and the manner in

1 which those employees that are represented by 1837 are paid?

2 A. To the best of my knowledge, right? So the employees in
3 1837 that I know, they're all hourly employees. They're paid
4 hourly. And they are all under the contract agreement from the
5 IBEW, all the -- all the nuances in the contract.

6 The rotational shift supervisor are exempt level
7 employees, professional level employees. They are on salary,
8 right? They have a rotating shift which is not geared towards
9 a 40-hour week. It's geared towards a shift that they wanted,
10 right, that provides them the greatest flexibility for their
11 life. And they're also under the, the bonus program, where
12 they get a percent bonus of their pay as part of their overall
13 compensation, where I don't know of anyone in the 1837 working
14 for Eversource that gets any kind of bonus.

15 Q. What is their bonus based on?

16 A. Their bonus is based on their pay band and it's also based
17 on performance, right? So if they -- if they're a high level
18 performer, they will typically get more in bonus compensation
19 than, than a lower level performer.

20 Q. Are they -- do they have any merit increases?

21 A. They have a merit increase. They go through the merit
22 cycle, you know, as all exempt level employees do. That merit
23 is also performance based. And is, is paid out based on your
24 performance of the previous year.

25 Q. So they have -- so the elements of their compensation are

1 their salary, including the merit increase, bonuses that are
2 performance based. Anything else?

3 A. Yeah. So there is a -- we call it a pay-outer, right? It
4 is a shift differential. It's to compensate for shift
5 differential, right, working night shift, day shift, right,
6 weekends, holidays. It's to compensate for, for that. It also
7 compensates for incidental overtime, right? So if as part of
8 their shift rotation there is a small amount of overtime on the
9 -- as they swap from one shift to another, the turnover. And
10 working holidays, working weekends. And then there is a small
11 amount in there to cover any other overtime, like storms and
12 that kind of thing.

13 Q. What about holidays, because I'm looking at the schedule
14 that I have up on the screen right now. This is Company
15 Exhibit 4. And I'm assuming if we extrapolated this out a few
16 more weeks, we would come to Memorial Day, for example. So
17 Memorial Day falls on a Monday. You're going to have at least
18 five teams working on a Monday. What happens for holidays with
19 these folks?

20 A. Yeah. So they can either --

21 MR. YOUNG: Hold on, hold on. Objection, foundation.
22 I don't think we have in evidence that there's five teams that
23 would be working on Monday.

24 MS. RUGGIERO: Withdrawn.

25 BY MS. RUGGIERO:

1 Q. So what happens on any holiday when these folks work?

2 A. So on any holiday, right, there are two teams that are
3 working, right? There's a day shift and a night shift. They
4 work 12-hour shifts, right? Those, those persons get the
5 holiday pay. They can either take the pay or in-lieu it,
6 right? And then the people that are off --

7 MR. YOUNG: I lost you there. I missed they either
8 get holiday pay and then the transmission got garbled.

9 THE WITNESS: No, I know, they can get paid for that
10 holiday, right, or they can in-lieu it and take it at any other
11 time that they want.

12 MR. YOUNG: Okay, thanks.

13 BY MS. RUGGIERO:

14 Q. So let me ask this, I just want to make sure I understand
15 this. Is there any kind -- they don't make double time or
16 anything like that, is that correct, on the holiday?

17 A. No, not that I'm aware. I mean so they're not an hourly
18 employee. They can't make double time, right? They're a
19 salaried employee.

20 Q. Okay. I want to go back to what you said earlier
21 regarding a rotating shift. So what -- there's two exhibits
22 that I'd like to talk through here and you tell me which one
23 you'd like to start with, Company Exhibit 3 and Company Exhibit
24 4. Both of them relate to the rotating shift. So Company
25 Exhibit 3 shows a 6-week rotation. That's up on the screen

1 right now. Do you want to explain what this is?

2 A. Yeah. So if you look at this rotation, right, remember
3 these are all 12-hour shifts with the exception of week 5 and
4 week 6, right? So the green and blue are on-shift periods,
5 right? So week 1, if you look and you've got to look down
6 below, right, week 1 is Murphy with the two operators, Pitcher
7 and Jozokos, right? You -- on week 1, they would be working
8 Monday, Tuesday, Wednesday, Thursday night. On week 2, they're
9 on a day shift. I hope I'm reading this right. I had the
10 other one up.

11 Q. Do you want me to go back to Exhibit 4?

12 A. Yeah. So the one that I gave you, Angela, right? Is it
13 that one? Yeah, go with this one, right. So this has them all
14 on the same -- this has them all on the same. It gets
15 confusing, right? So --

16 MR. YOUNG: I'm sorry. We're looking at 4 now and
17 not 3?

18 THE WITNESS: That's right.

19 MS. RUGGIERO: Correct.

20 MR. YOUNG: Okay.

21 THE WITNESS: All right.

22 MR. YOUNG: Just want to make sure I've got the right
23 one I'm looking at.

24 MS. RUGGIERO: Jeff, can you see the screen?

25 MR. YOUNG: What?

1 MS. RUGGIERO: Can you see the exhibit on the screen?

2 MR. YOUNG: Yeah.

3 MS. RUGGIERO: Okay, good.

4 THE WITNESS: All right So on 4/16, right, you have
5 B, which is Bouchard and his shift, right, working day shift on
6 Sunday. And then on Monday, Tuesday, Wednesday, Thursday, you
7 have Murphy working day shift. And then on -- I'm sorry night
8 shift. This is night shift, right? And then on Friday, you
9 have Horning and his crew working Friday, Saturday.

10 On, on that same Sunday, during the day you have
11 Murphy -- you have McHugh and his crew and working on Sunday.
12 And then on Monday, Tuesday, Wednesday you have Horning
13 working. And on Thursday, Friday, Saturday you have Bouchard
14 and his crew --

15 MR. YOUNG: Which -- I'm sorry to interrupt, but it's
16 -- which week are you on now, the first or the second week of
17 this?

18 THE WITNESS: The first week of this, right? So,
19 well, so I'll say the days, right? So Sunday, 4/16.

20 MR. YOUNG: Right.

21 THE WITNESS: Right? On night shift you would have
22 Murphy working with his two operators. On Monday, Tuesday --
23 I'm sorry, Bouchard working with his two operators. On Monday,
24 Tuesday, Wednesday, Thursday, this is the 17th through the
25 20th, at night you would have Murphy with his two operators

1 working. On Friday and Saturday, 21st and 22nd, you have
2 Horning working.

3 On the day shift, on Sunday, on 4/16, Murphy is
4 working with his two operators --

5 BY MS. RUGGIERO:

6 Q. On Sunday, 4/16, we see an M in the blue box.

7 A. Oh, McHugh, I'm sorry, McHugh, yeah. All right. On
8 Monday, Tuesday, Wednesday -- on Monday, Tuesday, and
9 Wednesday, Horning is working, 4/17, 4/18, 4/19. And on
10 Thursday, Friday, Saturday it's Bouchard and his crew.

11 Now in the same week, on Tuesday, Wednesday,
12 Thursday, Friday, we have Rossi with a spare crew working an
13 8-hour day. And on Monday, Tuesday, Wednesday, Thursday,
14 Friday we have Urie working training week on that particular
15 day -- on those particular days, 8-hours a day.

16 And we just instituted a switch writing group. It's
17 8-hours a day. So the D and the MD I think are down below.
18 Yeah. So you've got Duckless and right now it's just Marshall
19 Diamond. They are working 8-hours a day, 5 days a week.

20 Q. So that's a lot of information.

21 A. It is.

22 Q. You have multiple degrees and I think you need them all.

23 A. Yeah, yeah, I think I need them all, yeah.

24 Q. All right. So if we look at the green highlight days.

25 A. Yes.

1 Q. That equates to the night shift. Right?

2 A. That's correct, right.

3 Q. And the initials in the boxes relate to the teams down
4 below. Correct?

5 A. That's correct.

6 Q. All right. So if I look in this column here where we see
7 Murphy, Horning, Bouchard, McHugh, Rossi, and Urie, what --

8 MR. YOUNG: Which column are you looking at? Monday?

9 MS. RUGGIERO: It's just the highlight. No, down
10 below where it says teams. Right here.

11 MR. YOUNG: Oh, yeah. Got it.

12 BY MS. RUGGIERO:

13 Q. We see RM Murphy, H Horning, B Bouchard, M McHugh, R
14 Rossi, U Urie. Who are these people?

15 A. Those are the rotational shift supervisors.

16 Q. Then we see where it says teams and there are additional
17 names associated with each RSS. Who are these people?

18 A. Those are the level 1 and level 2 system operators.

19 Q. All right.

20 A. That work on -- with them on whatever rotation they're on.

21 Q. All right. So you had stated that on Sunday, 4/16, we
22 look in the green box, right? So again that's night shift.
23 And we see the letter B, so that's Bouchard. So fair to say
24 then that on Sunday, 4/16, from -- I look over here, 6:30 p.m.
25 to 6:30 a.m., Bouchard, Anderson, Shahan, and Hartawan, I'm

1 probably brutalizing their last names, they all work that
2 shift.

3 Q. That's correct.

4 MR. YOUNG: I'm sorry, Angela. I'm getting mixed.
5 Which data are you pointing to?

6 MS. RUGGIERO: Sunday, 4/16.

7 MR. YOUNG: Right.

8 MS. RUGGIERO: We have B in the green box.

9 MR. YOUNG: Right. You're just naming those seven or
10 eight people that work that day?

11 MS. RUGGIERO: I think there's only four, correct me
12 if I'm wrong, that work that shift.

13 THE WITNESS: That work that shift, that's correct.

14 BY MS. RUGGIERO:

15 Q. Okay. So we've got --

16 A. So Bouchard is the rotational shift supervisor.

17 Q. All right.

18 A. And on his shift is Anderson, Shahan, and Hartawan.

19 Q. Got it.

20 MR. YOUNG: I thought you were also saying that there
21 were others who work that day on the day shift. You add those
22 two, you get eight people working.

23 MS. RUGGIERO: Yep. You are one ahead of me, Jeff.

24 MR. YOUNG: Okay.

25 MS. RUGGIERO: All right.

1 MR. YOUNG: No, but I misheard, I got lost.

2 MS. RUGGIERO: That's all right.

3 BY MS. RUGGIERO:

4 Q. So that's call it week 1, April 16th. That's actually
5 this week, right? Yeah.

6 A. Yep.

7 Q. All right. Now you mentioned the fact that it's a
8 rotating shift. So if we look to next week, which we have
9 right here in this block where it says April 23 to April 29,
10 what happens to this entire shift?

11 A. So you'll look, you see -- let's take Sunday on the block
12 up above where we had the B for Bouchard on 4/16, and you go to
13 the following week you'll see on 4/23 he's on night shift.
14 Right? So he's going from -- or day shift. So he's going from
15 night shift on 4/16. He actually starts his night shift on
16 4/20 and it goes through 4/23. Right?

17 Same thing with RM. So if you look at Richard Murphy
18 on 4/17, 4/18, 4/19, 4/20, he is on night shift. And then he
19 is off for some time, coming back on 4/28 on night shift. No,
20 I'm sorry. Coming back on 4/24 on day shift, right, 4/24,
21 4/25, 4/26. And then 4/27 they're off. And then rotating back
22 to day shift on 4/28 and 4/29.

23 Q. Okay. So I think day shift and night shift are pretty
24 self-explanatory and we'll walk through what they actually do.
25 But what does it mean a spare, what does that week mean?

1 A. Spare week. So spare week is used for to make up for any
2 training that you may have -- you may have missed, right? We
3 have cycle training associated with their schedule. There's
4 four different cycle training weeks, right? So if you miss any
5 during any time, we can have some make-up sessions.

6 They will also fill-in for vacation schedules. So if
7 there is someone on vacation that's on shift, we can -- we can
8 pull them and use them for vacation schedule. If we're having
9 a storm, we can use them on their spare week to help fill-in
10 for extra personnel required for a storm. Right?

11 We also try to instill some training where they go
12 out into the field had look at equipment. And they can do that
13 on either their spare training week. We also try to get them
14 out to safety meetings in the field, right? We can do that on
15 this spare or training week if we have enough resources on
16 shift.

17 Q. So let's say for sake of argument right now R, the R-team
18 if you will, today is what, Tuesday, the 18th, so this is their
19 spare week Tuesday, right? That's Rossi, Von Koss, and
20 Studley.

21 A. Mm-hmm.

22 Q. So say for the sake of argument somebody called out sick
23 today. Who makes the determination which of those employees to
24 call to cover?

25 A. Yeah. So the rotational shift supervisor would make sure

1 that the components of their shift have enough people. So
2 someone called in sick on their shift. They would look to find
3 someone to fill that position. And the rotational shift
4 supervisor would make the call, pull whatever crew is on spare
5 or training, if there's no training going on that week, to fill
6 in for those hours required for the person who called in sick.

7 Q. What would they base that call on?

8 A. So they would base that call on, you know, obviously, if
9 you had someone on spare that was a level 1 supervisor and they
10 needed a level 2 -- I should say a level 1 operator and they
11 needed a level 2 operator, that would come into play. They
12 look at what kind of work they have on their shift and what's
13 required. And what is the skillset needed and does that person
14 that's on spare or training have that skillset that's needed.

15 Q. When you say what kind of work, what do you mean?

16 A. Well, I mean do they have planned work going on that's
17 going to require some really intense switching. Some of these
18 switching, they don't -- we talked about it, but it can get
19 pretty entailed depending on the job type and what you're
20 taking out of service. So a lot of that comes into play,
21 right?

22 It's what's happening on the shift, what do I need
23 for the quality of the person if you will, what's their
24 experience level, and should I use that person, should I use a
25 different person because we already used this other person

1 before. Right? There's a whole bunch that goes into play with
2 it.

3 Q. When you say intense switching, what does that mean?

4 A. So some switching may be -- so if I'm doing a non-reclose
5 assurance, for instance, right? In switching terms, that's --
6 it's a pretty simple job, right? I turn something to
7 non-reclose the SCADA. If I'm taking out a bus section at a
8 substation that can get pretty complex. I've got relays I need
9 to put in the correct state. I have isolation switching I need
10 to perform in the right sequence or something could happen that
11 we don't want to happen. So there's a whole slew of things
12 that the switching can get pretty entailed.

13 So I'm talking NRA, maybe three or four steps, right?
14 That's all you need to do. Taking out a bus section may be
15 multiple pages of steps that you're required to perform.

16 Q. When we say multiple pages of steps, how long does it take
17 to write that kind of switching?

18 A. Again it depends, right? So if you have an NRA, right, we
19 have what call station orders that has all the rely data, how
20 it operates, how that substation operates. And people go look
21 through that to see if there's any unique relay schemes and
22 whatnot. But typically an NRA doesn't take you that long to
23 write. It's pretty straightforward.

24 When you get into taking out a bus section and all of
25 the various relays are involved, right? And the supervisory,

1 you know, remote control switches and whatnot. There's all
2 kinds of relays involved with taking out a bus section. And
3 you have to go through -- you have to go through the station
4 orders, right? And, and read about all the relays that are in
5 there, how they all interact with one another, because more
6 than likely you're going to have to take them out in a specific
7 sequence. And if you don't, you're going to have something
8 inadvertently trip that you don't want to trip.

9 So a substation is pretty complex. And when you take
10 out a bigger piece of equipment in a substation, you really
11 have to look through a bunch of documentation to make sure
12 you're writing it correctly.

13 MR. YOUNG: Sorry, I kept -- maybe I was mishearing.
14 I kept hearing the word bus, I thought, B-U-S, as opposed to
15 sub, which is bus backwards.

16 THE WITNESS: Oh, no, no, bus. So a bus, right,
17 is --

18 MR. YOUNG: Right.

19 THE WITNESS: So when you have a substation, right,
20 you've got the line coming into a stepdown transformer. And
21 then the lines coming out go to a breaker, it's a transformer
22 breaker. And the lines coming out of that breaker go to a bus,
23 an electrical bus, which is a -- we call it bus bar. It is a
24 long metal bar, right, that it connects to. There's three of
25 them, because you've got three phases. And then all the

1 feeder breakers are connected to that bus, right?

2 So the transformer feeds the bus, which then in turn
3 feeds all the feeder breakers, individual feeder breakers,
4 which are different circuits that go out on the roadside.

5 MR. YOUNG: Okay.

6 THE WITNESS: So taking out a -- yeah, taking out a
7 bus section, you've got to worry about all the relays
8 associated with those breakers. You've got transformer
9 differential, bus differential. You've got all kinds of relays
10 associated with it. So it gets pretty complex.

11 BY MS. RUGGIERO:

12 Q. So you gave us two different examples. You said an NRA
13 could be three or four steps. So someone who's got no
14 experience in the control room, to write switching or give
15 switching orders that are three or four steps, is that
16 5 minutes, 10 minutes, 20 minutes? How long does it take to
17 write that?

18 A. Well, by the time they're all said and done, right? So
19 you're going to write the switching order. It may take you
20 10 minutes to write it, because it's on a computer. It goes
21 into the ITA program, right, ITOA. And then that switching
22 order, that has to get approved by another operator. And
23 eventually gets approved by the rotational shift supervisor.
24 Right? So there's all kind of sign-offs.

25 So when you say how long does it take to write it,

1 the physical writing on an NRA really shouldn't take that long.
2 Like we'll just go 30 minutes, right? Because there's other
3 stuff associated with it. But then you've got the process of
4 approving that switching order and that requires a lot more
5 time, right? Because people have got to look what you wrote,
6 sign off on it. If there's changes, they, they'll go back to
7 you to rewrite it. And then go back through the approval
8 process.

9 Q. Now that one for the sake of argument takes 30 minutes to
10 write. The other example that you have us with the bus bar and
11 the three or four pages, how long does that physically take to
12 write, to lay out?

13 A. Well, so there's two things to this, right? So what
14 happens is they'll write it, right? And then on a complicated
15 job like that, it'll go to the field. And they'll review it,
16 right, with what they know. So there's a whole bunch of
17 different eyes. So they can write it. It may take them
18 6 hours to write it, maybe more. It may, may take a whole
19 shift, right? Because they're, they're not only just writing
20 it, they are researching. They're looking through the station
21 orders, right?

22 Now typically those complex jobs, right, are written
23 by the senior operator. So John Duckless, right, that is
24 listed on the switch writing team, he's writing a lot of these
25 complex, really complex jobs. Right? And so he, he's looking

1 through all the station orders. He is also having telephone
2 call, you know, telephone calls with the people that are taking
3 out that equipment, asking them details. What are you taking
4 out? What are you trying to do? Do you really need this zone
5 for a clearance? Do you need a different zone for a clearance?
6 There's a lot of back and forth, right?

7 So it's not like they sit down and they, they write
8 an email or a paragraph or two, right? There's a lot of
9 technical knowledge, a lot of technical know-how, and a lot of
10 going back and forth with various people to make sure you're
11 taking out the right equipment and isolating the right
12 equipment.

13 Q. I think you said something and I just want to double check
14 this is what you said. In the end, it's the rotational shift
15 supervisor who approves all the switching?

16 A. Yeah. So when, when the switching gets executed, right,
17 it goes into the control room on that particular shift. And
18 the rotational shift supervisor should be looking to make sure
19 that switching is correct, including the operator who is doing
20 it.

21 Q. All right. So this is actually a nice segue. Actually,
22 before we get to that, I want to go back to Company Exhibit 3,
23 which was the 6-week rotation. And this shows essentially what
24 we saw on Company Exhibit 4, but this goes the 6 weeks out.
25 And it shows, for example, Murphy's week 1 is --

1 A. I think what this is showing, Angela, right, so on week 1
2 they work nights. Those are the nights they work. On week 2
3 they work days and then they swap over to nights, right? Then
4 week 3, they come in for -- on night shift. They have 3 days
5 off. They go on day shift. Then on week 4, they come in.
6 They finish out their day shift on a Sunday and they are off
7 for 8 days.

8 Then they come in on switching and then the following
9 week on training, 8-hour days. And then they would go to
10 switch writing, which is also an 8-hour day.

11 Q. Just to confirm, on week 5, where it says S, looking just
12 below that, does that S stand for spare?

13 A. Spare, that's correct. And T stands for training, switch,
14 right SW is switch writing.

15 Q. Got it. All right, so we're going to move away from that
16 for a moment now. And I know we've got their job description
17 in front of us and we're going to dig into that in a moment.
18 But just at a high level, very high level, what do the rotating
19 shift supervisors do? I know we talked about them approving
20 switching. I'm assuming they do more than that on their shift.

21 A. Yeah. So they would come in on their shift, right, and
22 they would get the shift turnover from the previous rotational
23 shift supervisor. And then they would make sure that they
24 understanding what, what jobs are being, you know, coming back
25 from the day shift. So, you know, well, so whatever shift

1 they're coming in on, they either are coming in on day shift
2 and a lot of work is going to be going out, or they're coming
3 in on night shift and a lot of work is coming back because
4 people worked on it during the day. Right?

5 So they're going to make sure they know what work is
6 either going out or coming back, that they have the switching
7 required to do that work. They're going to be putting some
8 thought into who is going to be doing which work, right, which
9 level 1, level 2 operator is going to be doing the switching to
10 either take it out or bring it back. In some cases, the
11 rotational shift supervisor will take some of those jobs,
12 themselves, and do the required switching for that.

13 They're also required as part of the, the morning or
14 the, the come-on shift rotation to provide a brief to the
15 level 1 and level 2 operators on the shift to make sure they're
16 all on the same page, they all know what works out there,
17 situationally aware of any equipment out of service, what's out
18 there for inhibited alarms, what's out there that came into
19 alarm that might impact their shift as they go through the day
20 or night, whatever shift they are coming on. And making sure
21 that everybody on the shift is on the same page.

22 Q. All right. Where, where are they located, these jobs?

23 A. Say that again? I'm sorry.

24 Q. Yeah, withdrawn. We've already talked about it. They
25 work in the control room, right?

1 A. Right, right.

2 Q. Can you describe what the control room looks like?

3 A. All right. So the control room, I'll say it's a
4 rectangular shape. Right? There is a curved wall at the front
5 of the room which has this big schematic diagram, which is a
6 diagram of the transmission system and the 34 kV distribution
7 system. So it's a complete schematic of the entire system.

8 Also on that same board -- this board is curved. And
9 when I say board, I'm talking a board that's, I don't know, 100
10 feet long by 20 feet high. It's big. So I don't know if those
11 are the exact numbers. I'm just trying to convey it's big,
12 right? It's very big. And it looks like -- it's indicative to
13 the movies you see on when they show NASA and they have a board
14 up there. It's indicative to that, right?

15 And then they have two rows of consoles, right? So
16 these desks are very big. And they have many monitors at each
17 console. So the ESCC has four SCADA consoles, monitors, that
18 are I think 30-inch monitors, and two corporate monitors. So
19 six monitors all told with also a smaller monitor which is
20 their call back or their call platform. So it's like a
21 telephone, but it's a lot more detailed than a telephone,
22 right?

23 So it has automatic buttons to push to call ISO New
24 England, automatic buttons to push to call other local control
25 centers. Right, so it's a -- it's a phone on steroids, right?

1 That's what I'm getting at, right? So each console has those
2 six monitors. There's four in the front closer to the board.
3 There's three in the back.

4 Now also in this room there's two glass offices,
5 right, where the day shift supervisors, when they're in, would
6 sit. When the operators come in, the level 1 and level 2
7 operators sit at the front two of the front consoles. And the
8 rotating shift supervisor sits in the back console so that they
9 always have the bigger picture, can get a more overview of
10 what's going on in the room.

11 Q. So I just want to clarify. I think I heard you say if the
12 two, level 1, level 2 operators come in, they sit in that front
13 row?

14 A. That's correct.

15 Q. When we had the schedule up on the screen a few minutes
16 ago, there were certain instances where there were three
17 operators on shift with one rotating shift supervisor.

18 A. Right. So if there's extras, they sit in the front row.

19 Q. So that front row in front of the, the big screen will
20 always be the operators?

21 A. Will be the operators, yeah. The only place that changes
22 is if we get into a storm, or if we have spare and training
23 week and those people are on shift helping out. They'll fill
24 in a remaining desk as needed, right.

25 Q. All right. So moving to the actual job position now. I

1 want to draw your attention to Section 1, role and scope of
2 position. So this says the operation shift supervisor, or
3 rotating shift supervisor as we've been calling them, has the
4 authority and responsibility to make operational decisions. I'm
5 going to stop there. What kind of operational decisions are
6 they making?

7 A. So you may have -- I'll just give you an illustration,
8 right? So say you've got a fault in the line and you call a
9 crew in. They would be -- they would have the authority to
10 say, hey, I want you to go here and we're going to do step
11 restoration. First patrol the line, find out where the problem
12 is. I want you to do step restoration. We're going to walk
13 you through it. And I want you to go to this point, open this
14 switch, restore customers. And then go to the next point, open
15 that switch, restore customers. And so on, right?

16 They would also, if there was a faulted condition,
17 depending on how detailed it was, they would tell which
18 operator to do what, right? So say we had something out there
19 that required multiple steps to pick up. It was too much for
20 one operator. Typically, we would write that switching out
21 ahead of time and they would say, hey, operator 1, you're going
22 to take this. Operator 2, you're going to do this. They would
23 coordinate that work, how they're doing it.

24 They would coordinate getting extra personnel in from
25 the line department. They would use their judgment to say,

1 well, this outage impacts 3,000 customers. I'm going to get a
2 couple of trucks in and I'm going to call the supervisor in.
3 And there was a station that tripped and reclosed. I'm going
4 to get the substation workers in to go look at the substation.

5 Q. Can they make the decision to bring in additional
6 operators, if needed?

7 A. They could. So if we had a storm that -- say you have a
8 summer storm that came in, right, unannounced where you get
9 those thunder rolling kind of storms that come through and
10 there is an impact, they could, right? So they could say I
11 need extra operations personnel and they would make the call to
12 bring those people in. They would typically talk to the shift
13 supervisors, bring extra people in because what's going to
14 happen is we're going to have a lot of people out and we're
15 probably going to go into storm mode, right?

16 Q. It says authority and responsibility. So talk about the
17 responsibility. What happens if the RSS makes the wrong
18 decision? What are the potential repercussions?

19 A. Well, repercussions are so it depends what, what the level
20 is, right? So if you have a NERC operational standard that you
21 violate, the ultimate penalty there is for a NERC violation
22 could be up to a million dollars per day, per violation. If
23 you're talking on the distribution system, you could have a lot
24 of people with an outage, right, that you don't have enough
25 people in to resolve that outage quickly. You could also

1 direct someone to switch A, B, or C lines causing more of a bad
2 condition than we, we're originally in, right? So there's all
3 kinds of things here that require a judgment if you will,
4 right, from the rotational shift supervisor to make the right
5 call.

6 Q. Moving back to the job description, next phrase says and
7 provide direction to ensure the safe, reliable, and economic
8 dispatch. Who are they directing?

9 A. So they are directing the, the operators.

10 Q. And talk to me about safe, reliable, and economical
11 dispatch. What does that mean?

12 A. Well, so if we had a line out of service, right? What
13 happens is it causes -- remember we talked about how the lines
14 were all interconnected and power just flows, right? And when
15 we open one of those lines, and we talked about how it creates
16 kind of a roadblock, right, and the power's got to go around
17 that roadblock.

18 Well, inherently going around that roadblock, right,
19 if you're in a car it causes you to travel more distance,
20 right? In the power world, it would cause constraints on the
21 system, which could in fact cause an uneconomic dispatch to
22 take place where you're operating a more expensive plant over
23 an economic plant that was better for the overall, you know,
24 what people are paying for their power, right?

25 So if you have a line out of service, you've got to

1 make sure that you're not causing constraints on the system.
2 And you have to initiate repairs, right? So you can't have
3 someone out there that's doing a repair that says I have to
4 leave, I'm going to get out of here, too bad. The RSS would
5 say, no, you're going to stay here and you're going to finish
6 this, right? Now it could be a different person, right, that
7 takes that person's place. But the ultimate you're going to
8 fix this line is, is going to be under the authority of the
9 RSS.

10 Q. Now when you say under the authority of the RSS, does the
11 RSS have to run that by the DSS or the RSS is the one making
12 the ultimate call?

13 A. The RSS is making the ultimate call if it's in their -- if
14 it's in, you know, under the jurisdiction of the ESCC.

15 Q. Now I want to stop you right there because you said some
16 buzz words. You said under the jurisdiction of the ESCC.

17 A. Yep.

18 Q. I think we have an exhibit that speaks to the jurisdiction
19 of the ESCC, if I can find it.

20 MR. YOUNG: Angela, you just used the acronym DSS.

21 MS. RUGGIERO: Oh, the day shift supervisor.

22 MR. YOUNG: Okay. That's what I thought, but I
23 wanted to be sure.

24 MS. RUGGIERO: Yes. So I think it is Company Exhibit
25 8. Give me one second. Yeah.

1 (Employer's E-8 identified.)

2 BY MS. RUGGIERO:

3 Q. So Brian, do you -- I'm going to -- what I have up on the
4 screen right now is Company Exhibit 8. It's been marked for ID
5 at this point. Operating responsibilities and authority of the
6 New Hampshire system operations. Do you recognize this
7 document?

8 A. Yep. That's our overall operating authority, yeah.

9 Q. And what does -- what does this document tell us?

10 A. So this document basically, you know, and I'm going -- I'm
11 going to just, you know, give the cliff version notes, right?
12 It is the authority that the ESCC, the control system, the
13 system operations, right, the control centers own the system,
14 right? So anything that we would tell the field to do or not
15 to do, right, is under the authority of system operations.

16 So for instance if we told a crew, hey, you've got to
17 bring that -- say they're doing some maintenance work and we
18 tell them you're bringing that line back right now or you're
19 bringing that device back right now. They would have to stop
20 their work and bring it back. Right? If we tell them you're
21 going to come in and repair this because we need it, they would
22 have to come in and repair it. Right? The ownership of the
23 system is under the two control rooms.

24 MS. RUGGIERO: I'd like to have this marked as a full
25 exhibit, at this time.

1 MR. YOUNG: No objection.

2 HEARING OFFICER DURYEA: Right, this is not one that
3 we've received yet. So this is Company Exhibit 8 and with no
4 objection Company Exhibit 8 is received.

5 (Employer's E-8 received.)

6 BY MS. RUGGIERO:

7 Q. All right. So you said a couple of things, Mr. Dickie, I
8 want to run through. During your testimony, you said we call
9 in the field, you know, the field personnel. We made the
10 decision. Who is the we that you're talking about?

11 A. So the operators on shift. For the ESCC that would be the
12 rotational shift supervisor, right? And the SOC is, is the
13 lead, the equivalent RSS.

14 Q. So it's your testimony then that the RSS can make the
15 decision to call in field personnel?

16 A. That's correct.

17 Q. All right. Now going back to Company Exhibit 5 --
18 actually, you did say something else I want to clarify. You
19 said we own the system. So first question is when you say the
20 system, what are you referring to?

21 A. I'm talking about the transmission and distribution
22 systems, right, all of it.

23 Q. What does it mean when you say we own it?

24 A. So we're responsible to make sure the work is done safely
25 to the extent we can in the control room, right, to make sure

1 people are putting in applications and not working on the
2 system without going through us. With the exception of single
3 phase radial side taps, the remainder of the system, all the
4 main lines regardless of voltage are under the -- under system
5 operations control. Right? So any work that should happen
6 really has to go through us, right, on those main lines. And
7 we give them permission to go to work.

8 Q. And I want to understand your testimony and when you say
9 they have to go through us in the control room, the person in
10 charge of the control room would be who?

11 A. The rotational shift supervisor. The rotational shift
12 supervisor for the 34 kV and all the transmission system is
13 responsible for all the work happening on those systems while
14 they're on shift.

15 Q. Okay. So going back to the Company Exhibit 5, which is on
16 -- up on the board here. The sentence beginning right here, it
17 says that the RSS plans, schedules, and coordinates activities
18 associated for the minute to minute operation of the
19 transmission and distribution facilities under the operating
20 jurisdiction of the ESCC dispatch center. So we've already
21 established through Company Exhibit 8 what the jurisdiction is.
22 Correct?

23 A. Yeah.

24 Q. And what type of activities are they coordinating,
25 planning, and scheduling?

1 A. So they're coordinating the day's work, right? So if you
2 have planned work that's going to be done like a clearance, a
3 clearance is more entailed as we discussed than a none-reclose
4 assurance, right? So for the planned work that's more
5 entailed, the RSS would determine which level 1, level 2
6 operator is going to do that work, as discussed, right? And
7 sometimes they can take it, themselves. But my anticipation
8 would be he's handing it out to the two additional operators
9 that are working underneath him.

10 Right, so they would plan that. Right? We know that
11 when they put the application in, we ask the people what time
12 do you want your clearance. Some people want it at 6:30 in the
13 morning. Some want it at 7:00. Some want it at 8:00. So we,
14 we the control room have to determine how much switching is
15 required to give them that clearance at that particular time.
16 And then plan that switching out to start it at a particular
17 time, which is sometimes way before the time requested so they
18 can have the clearance at the time they request it.

19 Q. When you say what time do you want your clearance, who is
20 the one that's going to be getting the clearance?

21 A. The field person that put in the application, right? So
22 the field person, it might be a line worker supervisor. It
23 might be somebody from 1250 substation operations. It could be
24 from -- someone from the construction group, right? They put
25 an application in, say I've got to take out this line. I've

1 got to have it at this time. I've got crews that are going to
2 be on site at 8:00 a.m. and this is what I need, that
3 particular clearance, that line isolated, tagged out, and ready
4 to go.

5 (Employer's E-12 identified.)

6 BY MS. RUGGIERO:

7 Q. All right. So staying in the same discussion, I have up
8 on the screen OP-42, which has been marked as Company
9 Exhibit 12 for ID. Can you tell me what this document is?

10 A. So this is all -- this gets into the writing and, and the
11 writing of switching and how we go about determining through
12 the whole ITOA process, right, how someone is putting in
13 application and how we write that switching, right, and what
14 kind of research. Remember we talked about research while
15 doing the switching? You know, all the various components of
16 doing that.

17 Q. So is it your testimony then that is this relevant in the
18 day to day job of the RSS?

19 A. Yeah, most definitely.

20 MS. RUGGIERO: I'd like to have this marked as a full
21 exhibit.

22 MR. YOUNG: No objections.

23 HEARING OFFICER DURYEA: No objection, Mr. Young? So
24 with no objection, Company Exhibit 12 is received.

25 (Employer's E-12 received.)

1 BY MS. RUGGIERO:

2 Q. So I want to draw your attention because you said
3 something in the last bit of testimony, I just want to make
4 sure we understand what you're talking about. You mentioned
5 the 1250. And I notice on here it says scheduling of switch
6 persons, for switching orders requiring field switchers, switch
7 persons shall be scheduled as follows. And it says emergent
8 switching, the ESS operations shift supervisor contacts the
9 1250 on-call coordinator, who will schedule switch persons
10 accordingly. You mentioned 1250 earlier, so can you just
11 explain what the 1250 is?

12 A. Yeah, yeah. So, and I apologize, right? So it's we've
13 all been here for a gazillion years, right? So 1250 is the
14 actual address of where system operations personnel are, right?
15 So we just call them 1250, right? But it's the substation
16 operations group. And if you remember when we went through the
17 org charts, right? That group had the relay technicians,
18 communication technicians, the system electricians, and the
19 field electricians. So that's 1250.

20 MS. RUGGIERO: Eric, do you --

21 HEARING OFFICER DURYEA: Yeah. I just wanted to
22 clarify for the record that we're looking at page 9 of 16 in
23 Company 12 right now.

24 MS. RUGGIERO: Thank you.

25 BY MS. RUGGIERO:

1 Q. All right. So that's the 1250. So looking at this
2 sentence real quick, this is the ESCC operations shift
3 supervisor. So again is that the RSS?

4 A. That's the RSS, that's right.

5 Q. The RSS is tasked with contacting the 1250 on-call
6 coordinator.

7 A. Yeah. So they would be responsible to -- if we're going
8 to get a switch person in, whether it be a field electrician or
9 a system electrician, someone to perform that switching for
10 emergent switching, they would call in or call the 1250 on-call
11 person, tell them what they need, and then that 1250 on-call
12 person goes by the overtime list to determine, you know, get
13 someone in. And we need it in a particular area, you know, the
14 rotational shift supervisor would say we need it over in
15 Portsmouth, right?

16 Q. Well, but the 1250 on-call coordinator would determine on
17 his end, if I'm understanding your testimony, the 1250 on-call
18 coordinator would determine on his end which actual person to
19 call.

20 A. Right.

21 Q. But it's the RSS who makes the determine whether or not to
22 actually contact the 1250 on-call for anything.

23 A. That's correct.

24 Q. All right, next sentence. Coordinates equipment out of
25 scheduling and implementation of emergency procedures with ISO

1 New England, local control center participants, and adjacent
2 local control centers. So what are they coordinating here?

3 A. So they would be coordinating if there is outages that --
4 on lines that go between local control centers, right,
5 coordinating that work. Right? So you may need someone at
6 National Grid on their end. We need someone on our end to
7 perform various switching. They're coordinating that work.

8 Q. Continuously monitors real time status of the transmission
9 and distribution system, and implements changes to the status
10 of the system via SCADA. And I'm going to stop it right there.
11 So continuously monitors real time. How are they doing that?

12 A. So they're looking at their consoles, right? We get
13 alarms when things get out of limits, right? So as an
14 illustration, say we have a substation where the voltage is
15 getting high or low, right? We'll get an alarm that says
16 voltage out of limits. The operator would then have to go in
17 and adjust the load tap changes, which adjusts voltage, right,
18 to get the voltage back within limits. They may have to take
19 out a cap bank or put on a cap bank depending on what the
20 situation is. That's just one example.

21 HEARING OFFICER DURYEA: I'm sorry. And just to
22 clarify once again for the reader of the record, we are back --
23 the last several questions have been back on Company Exhibit 5,
24 the role and scope of position in the operator supervisor job
25 description.

1 MS. RUGGIERO: Thank you. When we talk about normal
2 and abnormal system conditions, we're going to have a bit of a
3 discussion about other ESOPs and OPs, so if we could just take
4 a quick 2-minute break before we jump into that, that would be
5 helpful.

6 THE WITNESS: That would be much appreciated.

7 HEARING OFFICER DURYEA: Sure, 2-minute break?

8 MS. RUGGIERO: I just need to run down the hall to
9 the ladies room.

10 HEARING OFFICER DURYEA: Yeah, sure. Why don't we
11 come back -- we'll come back in 5 minutes. Let's come back at
12 2 minutes to 3:00.

13 (Off the record from 2:52 p.m. to 3:00 p.m.)

14 HEARING OFFICER DURYEA: Let's go back on the record.

15 BY MS. RUGGIERO:

16 Q. Mr. Dickie, we ended right before the second to the last
17 sentence in Section 1 of Company Exhibit 5, which is the job
18 description. And that section references under normal and
19 abnormal system conditions. Are there specific ESOPs or OPs
20 that speak to emergency situations?

21 A. Yeah. So there's OP-32, right? And --

22 (Employer's E-10 identified.)

23 BY MS. RUGGIERO:

24 Q. Okay. OP-32 is up on the screen. This has been marked as
25 Company Exhibit 10. So let's start with that one.

1 A. Okay. So this is emergency staffing needed during a
2 system emergency. This would be like a blackout type event,
3 right, where you have to have people in, in order to restore
4 the system.

5 Q. And in that regard, is this applicable to the RSS
6 function?

7 A. Yeah, yeah. And you'll see in the charts right below that
8 there is specific requirements for people filling specific
9 positions.

10 Q. So we're now on page 5, is that correct? All right,
11 page 5 of Company Exhibit 10. And walk us through what this
12 is, please.

13 A. All right. So this is the --

14 MR. YOUNG: Wait, hold on. Before -- there's
15 highlighting on this document. I'm assuming that that's
16 something that was placed there by -- not on the usual
17 document.

18 MS. RUGGIERO: I do apologize.

19 BY MS. RUGGIERO:

20 Q. So, Brian, do you know how this highlighting came to be?

21 A. I have no idea.

22 MS. RUGGIERO: All right. So we'll -- we can get a
23 clean copy out to you guys. I apologize. I didn't realize
24 this had the highlighting when I sent it in.

25 MR. YOUNG: I appreciate it.

1 MS. RUGGIERO: Thank you.

2 MR. YOUNG: That's fine. I don't have it, yeah. I
3 just was -- I didn't think the document was probably
4 highlighted.

5 MS. RUGGIERO: Can we mark this as a full exhibit?

6 MR. YOUNG: You can put it in as -- I have no
7 objection to the exhibit being or an exhibit being substituted
8 without the highlighting.

9 MS. RUGGIERO: Thank you.

10 HEARING OFFICER DURYEA: All right. So Company
11 Exhibit 10 has been identified and will be admitted when we get
12 a clean copy later on.

13 MS. RUGGIERO: Thank you.

14 BY MS. RUGGIERO:

15 Q. All right. So walk us through, Mr. Dickie, if you will
16 what this shows us.

17 A. All right. So this is, you know, we're in system
18 restoration, so there is a blackout, right? And we have
19 certain predefined positions that we need, right? So there is
20 a restoration coordinator, right, that is required to
21 coordinate, right, all of the various tasks associated with
22 putting the system back together. Remember we talked about our
23 black start priorities to try to get to Seabrook, right? So
24 there's specific things we need to do to get there.

25 There is a path out of Maine, which is our primary

1 path. And there is a secondary path to come down from the
2 middle of the state, right? So the coordinator, restoration
3 coordinator is coordinating the various peoples that are
4 working on restoring that path. Some of those peoples, mostly
5 the control room -- you need, you would need probably people in
6 the field, too. You've got to think if there -- if there was a
7 blackout, there's probably certain things in the field that
8 didn't work properly and have to be positioned before we can
9 restore it, right?

10 So in this case, the restoration coordinator could
11 either be a system operations manager, the day shift
12 supervisor, or the rotating shift supervisor.

13 Q. And that's the person again who would be coordinating the
14 restoration effort.

15 A. Right. And again, right, it goes without saying, but the
16 rotational shift supervisor is considered part of that
17 management structure with the manager, right.

18 Q. All right. Let's move down to the next category here, the
19 supervisor of the ESCC operations. So what, what would that
20 person be doing during a storm?

21 A. So that person is on the shift, right? And they're
22 actually doing the work. So the one up above, right, is
23 they're advising, they're helping out. Hey, you're looking at
24 this, you're looking at that. And then the supervisor on the
25 shift is, is doing the actual restoration, right? So on this

1 one again you could either have the manager, the supervisor day
2 shift, or the rotational shift supervisor.

3 Q. So the members of management, got you.

4 A. Yep.

5 Q. The next --

6 MR. YOUNG: Objection to that characterization.

7 MS. RUGGIERO: System operations supervisor. So this
8 is --

9 HEARING OFFICER DURYEA: I'm sorry. I'm sorry, what
10 was that, Mr. Young?

11 MR. YOUNG: I objected to the characterization, the
12 use of the word management. That was just used by Ms.
13 Ruggiero.

14 MS. RUGGIERO: Withdrawn, withdrawn.

15 BY MS. RUGGIERO:

16 Q. The next classification here is system operations
17 supervisor. So that's what we've been referring to today as
18 operators. Correct?

19 A. That's right, level 1 and level 2 operators.

20 Q. Now during this storm mode pursuant to OP-32, who can fill
21 in, in that role?

22 A. So these are the level 1, level 2, right? And you can
23 have an operational shift supervisor, because they can do
24 operator work, right? So they could fill both roles, right?
25 They can fill in the management side, but they can also fill in

1 the, the operator side as well.

2 Q. Okay. And then lastly let's look at -- what is a
3 communications coordinator?

4 A. So with -- associated with this, as you can imagine,
5 right, there's all kinds of communications that need to go out,
6 whether it's to the other utilities in the state, internal
7 communications with emergency preparedness, and we would stand
8 up our emergency response plan, community liaisons, and so on,
9 right? There would just be all kinds of communications that
10 would be happening. What are we doing? What are we restoring
11 first? How long do we think things are going to take?

12 Q. And who can fill that role?

13 A. So the manager, the operations support staff. We don't
14 want to tie up an RSS, right? And then you have a level 1
15 operator. So the intent here was you could take someone who's
16 got very little experience and probably can't do system
17 restoration with via SCADA, and we can still utilize them to do
18 there meaningful tasks.

19 (Employer's E-15 identified.)

20 BY MS. RUGGIERO:

21 Q. Moving on from that document to what's been marked for ID
22 as Company 15, this is ESOP-105. Can you explain what this
23 document is?

24 A. Yeah. So this is the delegation of controllership, right?
25 So if we had a pretty severe storm and we had an area that was

1 impacted greatly, right? It was pretty flat. You've got 10
2 times or 20 times the crews out in a very small, particular
3 area. We would give up what we call controllership to that
4 area.

5 And what that means is, is that we would tag
6 boundaries around a certain region of our circuitry, right,
7 that we would give controllership to the person in charge of
8 the circuitry up to those boundaries. And they could restore
9 at their discretion, right? As things get repaired, they'll
10 say, all right, I'm going to close this in up to this device
11 and pick up these people. They wouldn't need to get permission
12 from the control room to do that. They have controllership of
13 that area.

14 Q. Talk to me about where it has on here, Section 3, this is
15 again Company Exhibit 15, Section 3, and this is what you just
16 said. When the magnitude of an ERP -- and define for everyone
17 what's ERP?

18 A. Emergency response plan.

19 Q. So that's our storm, correct?

20 A. Yeah, yep.

21 Q. And the magnitude of the ERP restoration is such that the
22 impacted state system operators -- those are again the
23 operators that we're talking about today?

24 A. Right.

25 Q. The level 1, level 2. cannot support the scalability

1 needed for a timely restoration, delegated controllership from
2 the dispatching authority --

3 MR. YOUNG: Are you reading from something, because
4 it's not up on the screen.

5 HEARING OFFICER DURYEA: I see it. I see it.

6 MR. YOUNG: The first page is up on the screen, but
7 not the document. There we go, okay. Got it, thank you.

8 MS. RUGGIERO: Yep.

9 MR. YOUNG: Thanks.

10 MS. RUGGIERO: Can everybody see it? Okay.

11 HEARING OFFICER DURYEA: I can see it.

12 MR. YOUNG: See it now, yeah.

13 BY MS. RUGGIERO:

14 Q. When the magnitude of an ERP restoration is such that the
15 impacted state system operators cannot support the scalability
16 needed for a timely restoration, delegated controllership from
17 the dispatching authority represented by system control center
18 management to an authorized person should be initiated by
19 operations section chief as implemented, as described in
20 subsection 4.1. So my question for you, Mr. Dickie, is the
21 parenthetical here represented by system control center
22 management, who does that include?

23 A. So on, on the delegated controllership, we included
24 everyone from a rotational shift supervisor and higher in the
25 ESCC, and the SOC from the lead supervisor, rotational lead

1 supervisor and higher positions, right? So if you want me to
2 spell them all out, it would be the rotational shift
3 supervisor, the day shift supervisors, the ESCC manager up to
4 David. And on the SOC side, the rotational supervising lead,
5 the day shift supervisor, and the SOC manager again up to
6 David. Those are all included that -- those are all personnel
7 that are included that can take controllership in the field.

8 MS. RUGGIERO: I offer this as a full exhibit.

9 HEARING OFFICER DURYEA: Sorry?

10 MS. RUGGIERO: Offer this as a full exhibit.

11 HEARING OFFICER DURYEA: Any objection?

12 MR. YOUNG: I would like to conduct voir dire for one
13 moment.

14 HEARING OFFICER DURYEA: All right.

15 VOIR DIRE EXAMINATION

16 BY MR. YOUNG:

17 Q. Mr. Dickie, in response -- Ms. Ruggiero just asked you
18 some questions about -- that she highlighted on Number 3,
19 represented by system control center management. Then you in
20 response described who that was. But is there anywhere in this
21 document that says specifically that the system control center
22 management includes the RSSs and the leads over in the SOC?

23 A. Yeah. So that would on our authorized persons list,
24 right? So when we put out the authorized persons list to our
25 training department, the authorized persons list is contained

1 in ITOA, right? We, we and I specifically sent out a list to
2 our training department, who is responsible to maintain the
3 list in ITOA. And then they maintain that list going forward.

4 Q. And ITOA stands for what, sir?

5 A. Integrated transmission operations application. So it's
6 the application software where people when they put an
7 application in to take a line or equipment out of service, they
8 put that application in through there. Associated with that
9 program is the authorized persons list with all the
10 qualifications that they have in there.

11 Q. If I could continue, the authorized persons list is not
12 included in Company Exhibit 15, ESOP-15, is that right?

13 A. I'm sorry. I didn't -- I didn't quite catch that.

14 Q. Try again. The authorized persons list which you're
15 referring to and which you say is through this system control
16 center management, that's a separate document from Company
17 Exhibit 15.

18 A. Yes, yeah.

19 MR. YOUNG: With those, that clarification, I have no
20 objection to the introduction of -- or admission I should say
21 of Exhibit 15.

22 HEARING OFFICER DURYEA: All right. With no
23 objection, then Company Exhibit 15 is received.

24 (Employer's E-15 received.)

25 CONTINUED DIRECT EXAMINATION

1 BY MS. RUGGIERO:

2 Q. Are there any other documents that pertain to emergency
3 situations, ESOPs or OPs?

4 A. Well, so there's voltage reduction, which is an emergency,
5 right, operation, right? That's OP-5.

6 Q. And what is -- what is the significance of OP-5?

7 A. Well, so say we get into a capacity deficiency situation.
8 One of the executable steps that ISO New England can call for
9 to conserve power is to go into what they call voltage
10 reduction. What this does is it lowers the system voltage and
11 thereby lowers demand, right, because of the lower voltage.
12 Remember the conversation we had about V equals I times R ,
13 right? So or an E or power is equal to V times I , right? So
14 if you lower the voltage, you inherently -- and not change the
15 current, you would have less power flowing, right? That's how
16 it works, right?

17 So by lowering the voltage 5 percent, you can get a
18 little bit of a gain off voltage reduction in a capacity
19 deficiency. So associated with that are some tasks and who is
20 responsible in that task for initiating voltage reduction.

21 Q. Are those tasks assigned by job classification?

22 A. Those tasks are explained by job classifications, right?
23 So the rotational shift supervisor has some specific tasks that
24 no one else has that they perform, right, as part of the
25 implementation of voltage reduction.

1 Q. Does a day shift supervisor have any tasks?

2 A. The day shift supervisor, no. So we try to keep the day
3 shift supervisors out of it, right? So in the past, right, we
4 did have a whole bunch of people including day shift
5 supervisors involved in this. We do this twice a year on a
6 test, right, an ISO test. It's done in the spring and the
7 fall, right? And because we wanted to pass the test, right, we
8 put all kinds of people on it. Some of it were the day shift
9 supervisors.

10 And we said no, no more. We're going to have to do
11 it with the people that are on shift, right? And the day shift
12 supervisors, you guys are going to stay out of it and let the
13 people on shift do their thing. Right? So associated with
14 voltage reduction now is just the shift personnel. Because if
15 you had a real time situation where they called for voltage
16 reduction, you aren't necessarily going to have anybody around,
17 right? It's just going to be the people on that shift.

18 Q. When you said you're not going to have anybody around, you
19 will have operators and rotating shift supervisors, though.
20 Right?

21 A. You're not going to have any additional people, right.

22 Q. Right. So can you characterize the functions of the
23 rotating shift supervisor in a voltage reduction?

24 A. Well, so they are responsible to make notification.

25 They're responsible to say we're going to execute this in the

1 overall operations of making sure we meet the voltage reduction
2 targets, right? So, and the steps are all listed in the
3 procedure. And I don't have the procedure in front of me, but
4 they're listed in there.

5 Q. All right. So perhaps we can get our hands on that
6 procedure at some point and --

7 A. Okay.

8 Q. -- talk more about it.

9 A. All right.

10 Q. All right. Going back to -- okay, the last sentence in
11 the role and scope of the position. We're back on Company
12 Exhibit 5, at this point. And this states the RSS utilizes
13 computer programs which simulate system conditions to determine
14 transmission and distribution system reliability. What does
15 that mean?

16 A. All right. So associated in the SCADA system is a
17 background -- they call it background system. It's really not
18 in the background, but it's always running in the background.
19 And it's called contingency analysis, right? So remember we
20 talked about all lines in, right? So when you have all lines
21 in, there is load flows that happen. And a load flow is a
22 calculation based on inputs that we get from field devices that
23 are measuring current and voltage. Right?

24 So these load flow calculations are incredibly
25 complex, right? They are one of the most complex calculations

1 you can imagine, right? They're Jacobian matrices, right, that
2 are run in the background mathematically that -- and they're
3 very, they're like partial derivative, right, and they are very
4 complex.

5 So anyway, when you have a -- in the background is
6 contingency analysis. And what that does is it, it takes out a
7 line or transformer or a breaker, right, and it goes through
8 the whole system in your system, and runs a load flow to make
9 sure you won't have any overloads, whether it be thermal,
10 right, or, or other, right? You can have a thermal overload.
11 Or you won't have any IROLs, right, interoperability regional
12 limit violations, or SOL, system out of limit conditions,
13 right?

14 If you do get that, you have to study, do a study and
15 make sure -- and make a plan, right? How do I get out of this
16 condition? It could be I take another line out. It could be
17 I've got to throw a cap bank in. There's a whole slew of
18 things that you could do to resolve the situation, right? So
19 you work through that. You work with ISO New England. You
20 come up with a plan, right?

21 Now some of these have to be done pre-contingent. So
22 remember it's taken a line out, right, in the background, and
23 it says I've got a problem, right? Depending on what that
24 problem is, you either have to do something right off or you
25 can wait. And you can wait till the contingency happens and

1 then take the action; however, you have to have a plan to
2 resolve it if it does in fact happen.

3 So you would work with ISO New England to develop
4 the, the plan to resolve the condition if you get into that.
5 Or you would have to take a pre-contingent action if the
6 problem is severe enough where you can't get into that
7 situation.

8 Q. When you say you and you have to --

9 MR. YOUNG: I'm getting some feedback.

10 COURT REPORTER: Yes, counsel, I cannot -- I can't
11 make out what you're saying. I'm sorry.

12 MS. RUGGIERO: Neither can I. How about that, a
13 little better. Is that better?

14 COURT REPORTER: Much, thank you.

15 BY MS. RUGGIERO:

16 Q. Mr. Dickie, you said you have to make a plan, you have to
17 study, you have to contact ISO New England. Who is the you?

18 A. Yes. I'm sorry. So the RSS is responsible overall for
19 the plan and for executing the plan. He may delegate that to
20 the level 1 or level 2 operator on shift, but he's responsible
21 to sign off on that plan and execute it if it comes up.

22 Q. So if he delegates, does he have to still sign off on
23 something?

24 A. He would have to sign off on that plan.

25 Q. And I guess this is sort of a global question because you

1 spoke earlier about the company can incur massive fines, a
2 million dollar a day per violation. If we're in that situation
3 where the RSS did something and either we incur fines or here
4 dealing with ISO, would the RSS be subject to discipline based
5 on any of these decisions?

6 A. They could be, right? I mean it depends on the situation,
7 right, always, right? But if there -- there could be fines if
8 you do not take care of a contingency that you need to take
9 care of, right? I mean some are severe. Some are minor,
10 right? But there could be if you don't do your job. I mean
11 it's your job.

12 Q. And in a situation -- getting back-feed again. If there
13 is a situation where an RSS delegates authority to an operator
14 and say something bad happens, and the RSS then signs off on
15 it, let's talk about the discipline potential in that
16 situation.

17 A. So the discipline of the employee? Well, I mean it could
18 take any manner. So if it's -- if it's minor and it's
19 discipline that we can handle in the control room, then we
20 would, right? If it -- if it ends up being something on their
21 record, that typically goes through HR. Then we go through the
22 HR process.

23 Q. But in that situation would -- if an operator did
24 something egregious on the RSS's watch, could the RSS also face
25 discipline?

1 A. Yeah. So if there is an egregious act, right, the RSS
2 would have full authority to remove that operator from the
3 shift, right? So the RSS, right, is responsible for the
4 actions of the level 1, level 2 operators on their shift. And
5 if the -- if the level 1 or level 2 operator did an act that
6 was against what the RSS wanted, right, they could remove the
7 operator from the shift.

8 Q. Now flip that around and say for the sake of argument that
9 the operator asked for sign-off on something. The RSS signed
10 off on it, but that was incorrect. Could they both face
11 discipline in that regard?

12 A. Yeah. So we would -- we would obviously do what we call
13 an II, right, which is an incident investigation. And
14 depending on the outcome of that there could be disciplinary
15 action. And I hesitate to say what that disciplinary action
16 is, right. So there would have to be an investigation. We
17 would see how it dovetailed with the NERC compliance, also with
18 switching and tag compliance. There's all kinds of things
19 there associated with this, right? And then there is a team
20 put together that would look at the analysis and determine
21 whether someone blatantly disregarded safety rules, or
22 protocols, or blatantly did things against what we would call
23 compliance. And then we would take the appropriate measure.

24 Q. Okay, thank you. Turning back to Company Exhibit 5, which
25 is on your screen, Section 2, the essential functions, the

1 first bullet. Responsible for complying with NERC reliability
2 standards. So I want to turn your attention to Company Exhibit
3 16. Do you recognize this document?

4 A. Yeah.

5 Q. What is Company Exhibit 16?

6 (Employer's E-16 identified.)

7 MR. YOUNG: 15 or 16, Angela?

8 MS. RUGGIERO: 1-6, 16.

9 MR. YOUNG: Thank you.

10 THE WITNESS: So this is the actual NERC standard
11 required of operating personnel. It basically goes into how
12 they have to have a NERC operator's license and the training
13 requirements, right? And it says which, which entities are
14 applicable, right? So in this case, the reliability
15 coordinator, right, is ISO New England. Transmission operator
16 are the operators in the LCC. And the balancing authority is
17 also ISO New England.

18 MS. RUGGIERO: Just one moment.

19 BY MS. RUGGIERO:

20 Q. And again this is a NERC document. it is not a company
21 document, correct?

22 A. No, this is a NERC document. And then what happens is all
23 the companies countrywide take these NERC standards, rewrite
24 them to company procedures, right, so that they kind of make
25 sense based on the company you're in and develop standards to

1 comply with the NERC standard.

2 MS. RUGGIERO: I'd like to -- Company 16.

3 THE WITNESS: I didn't hear you, Angela.

4 MS. RUGGIERO: Oh, this is for the Hearing Officer --
5 full exhibit.

6 HEARING OFFICER DURYEA: Mr. Young, any objection?
7 No?

8 MR. YOUNG: I'm not sure that I see the relevance,
9 but no objection.

10 HEARING OFFICER DURYEA: All right. With no
11 objection, then Company Exhibit 16 is received.

12 (Employer's E-16 received.)

13 BY MS. RUGGIERO:

14 Q. So moving on and back to the Company 5, second bullet,
15 responsible for providing guidance and oversight of on-shift
16 system operations supervisors. So once again who are the
17 system operations supervisors?

18 A. The system operation supervisors are the level 1, level 2
19 operators.

20 Q. So explain this bullet to me, please, because there is
21 a --

22 A. So again this gets back to the just of creating the
23 position in the first place, right? So we, we wanted a
24 rotational shift supervisor that would provide guidance and
25 oversight of the level 1 and level 2 supervisors on their

1 shift, right? They would be the supervisor responsible for the
2 personnel and the system, right, providing guidance, providing
3 oversight, coaching the operators, and providing a backstop for
4 or the authority on making the ultimate decision of what the
5 shift should do in any particular situation.

6 Q. To be clear, during nights and weekends are there any
7 other supervisory personnel on shift with them?

8 A. No.

9 MR. YOUNG: Objection, to the extent that the
10 question presumes that the shift supervisors are supervisor.

11 MS. RUGGIERO: Let me ask it a different --

12 MR. YOUNG: The question was whether there are any
13 other supervisory personnel on duty with, with them.

14 BY MS. RUGGIERO:

15 Q. So let me ask it this way, Mr. Dickie. On the night
16 shift, is there a day shift supervisor working?

17 A. No.

18 Q. Is there a control room manager working?

19 A. No.

20 Q. Is there a day shift supervisor on call?

21 A. No.

22 Q. Is there a manager on call?

23 A. No.

24 Q. Who is the highest level employee working in the control
25 room?

1 A. The rotational shift supervisor.

2 Q. What about on weekends?

3 A. The rotational shift supervisor.

4 Q. And during those shifts, when the rotating shift
5 supervisor has to make a decision, is the expectation that he
6 makes the decision or that he calls a supervisor or a manager
7 to get permission to make the decision?

8 A. No. They, they would make the decision. They would take
9 the actions, secure the system, make sure the system is
10 reliably postured. And then they would make notice based on
11 the criteria we have, right, to whatever individuals they would
12 make it to.

13 Q. Going back to Company Exhibit 5, third bullet, responsible
14 for proper operational shift relief/turnovers, for shift
15 personnel including exchange of pertinent information required
16 to maintain operational safety and reliability. So I'd like to
17 direct your attention to Company Exhibit 11. Now this has
18 already been marked as a full exhibit. Can you please explain
19 for us what Company Exhibit 11 is?

20 A. Yeah. So this is the shift turnover. This is the
21 operational shift responsibilities for turnover is, right? So
22 when you have one shift coming on, one shift going off, the
23 rotational shift supervisor on each shift is responsible to
24 provide a turnover encompassing, encompassing everything that
25 went on, on the previous shift including any equipment that's

1 still out of service, still tagged out, or any equipment that
2 went out of service while they were on shift. Right? So the
3 rotational shift supervisor is responsible to make sure all the
4 documentation is documented and is transferred over to the next
5 shift.

6 Q. So if we look at page 2 of Company Exhibit 11,
7 Section 3-A, it says system operation supervisor. So those are
8 our level 1 and level 2 operators. Correct?

9 A. Yep, that's right.

10 Q. And this lays out specific functions that they have to do
11 at the end of the shift. Is that correct?

12 A. That's correct.

13 Q. All right. We then have Section B, the distributed system
14 operator. Now is that in the SOC?

15 A. That's in the SOC.

16 Q. So that doesn't concern us today, right?

17 A. No.

18 Q. Okay. Section C, operations shift supervisor. That would
19 be the RSS, correct?

20 A. That's correct.

21 Q. And the very first bullet states what?

22 A. Right. Supervise system operation supervisor. As we
23 discussed, right, that's why the position was created to begin
24 with, why we had expanded the control of the system through all
25 the devices we put on it. We expanded the department. We

1 were at the point where we needed supervision on shift. So
2 they were created to supervise the system operation supervisors
3 on shift.

4 Q. So on page 4, Section A, overview. I'd like to draw your
5 attention to the last paragraph. The ESCC operation shift
6 supervisor provides leadership and supervision to all on shift
7 system operations personnel. Let's stop there. Who are the on
8 shift personnel?

9 A. Those are the level 1 and level 2 system operators.

10 Q. As well as guidance and direction to field personnel
11 during off-hour outage restoration response. Who does that
12 pertain to?

13 A. Those are anybody that's in the field working. Say they
14 are restoring an outage, right? They would provide guidance
15 and direction to make sure we're restoring quickly, we have
16 enough personnel out there to restore it quickly, and getting
17 additional people if more people are needed to restore it
18 quickly.

19 Q. Now let's go to -- in the absence of the supervisor,
20 distribution system operations, the operation shift supervisor
21 will provide direction and oversight to DSOs during abnormal
22 and emergency operating conditions. So the supervisor of
23 distribution system operations, now this is not the lead. Is
24 that correct?

25 A. That's right. So what you have, right, so in the SOC,

1 right, if the day shift supervisors aren't around, right, and
2 something of a more technical nature comes up, we, we give the
3 authority to the operation shift supervisor to provide
4 direction to the distribution system operators on steps they
5 need to take to mitigate things, right?

6 So say they've got a -- there is something at a
7 substation. Well, the operation shift supervisor is charged
8 with making sure the DSOs understand what they -- what they
9 have, what they're dealing with, and get additional people in
10 if they need to. If it's something of a more technical nature,
11 right? Because you've got to remember the ESCC obviously in
12 existence for a very long time has a more in-depth technical
13 knowledge than the SOC. And so if it's something more
14 technical, the ESCC would typically take the charge on, hey,
15 you need to get this, you need to do this, right? And they're
16 providing guidance to the DSOs on what they need to do.

17 Q. And in this regard, in the absence of the supervisor of
18 the distribution system operations, in that regard it's not the
19 lead that's stepping up, it's the actual RSS that's, that's
20 stepping up?

21 A. Well, so in that regard, right? So if the, if the lead
22 has the technical experience needed in order to make the proper
23 decision, right, then they would, right? But the operational
24 shift supervisor, right, the RSS was always seen as the more
25 technical lead on the off-hours. Right.

1 Q. All right. So then the next page under Section 5-A is
2 procedure and shift turnover. It says the off-going operation
3 shift supervisor ensures ESCC system operators conduct shift
4 turnover using Attachment A, ESCC shift turnover sheet or
5 electronic equivalent. Who signs off on this, is it the RSS or
6 the operator?

7 A. The RSS.

8 Q. So where it has the shift supervisor initials?

9 A. That's right.

10 HEARING OFFICER DURYEA: And just to clarify, you
11 clicked through to Attachment A, which is at page 15 of 25 of
12 the pdf.

13 MS. RUGGIERO: Yes, thank you.

14 BY MS. RUGGIERO:

15 Q. And what if -- if something is inaccurate on this document
16 and the RSS has signed off on it, are there any potential
17 repercussions?

18 A. Again, there could be depending on the situation, right?
19 I mean it all depends on what it is, what was missed, what was
20 the outcome, right?

21 (Employer's E-9 identified.)

22 BY MS. RUGGIERO:

23 Q. All right. Now turning our attention to Company
24 Exhibit 9, OP-19, transmission operations. Can you tell us
25 what this document is?

1 A. All right. So this is the responsibilities of the various
2 peoples, right, within -- can you roll down, can you scroll
3 down a little bit? All right. So this is our normal emergency
4 conditions, right. It explains contingency analysis, like we
5 discussed, right, and what the various -- if you go back up?
6 Right. So remember I talked about there's some contingencies
7 which are more severe than others, right?

8 Q. Yeah.

9 A. So these terms right here -- go up a little bit, you know,
10 get into some of the more severe. So DAL is drastic action
11 limit. And IROL, interconnection reliability operating limit.
12 Right? Those are conditions typically on a contingency
13 analysis, although they may not be. They are -- they are more
14 severe than, than others, right? You also have an SOL, which
15 is a system out of limits condition.

16 Q. So fair to say under the purpose section, it says this
17 procedure describes reliability criteria for the analysis and
18 operation of the transmission system normal and emergency
19 conditions.

20 A. Right.

21 Q. It describes how the ESCC plans to operate within all SOLs
22 and IROLs. Fair to say that this document is utilized in the
23 ESCC?

24 A. Yes.

25 Q. And it's applicable to the job functions of the RSSs?

1 A. Yes.

2 Q. And the operators?

3 A. Yes.

4 MS. RUGGIERO: I'd like to have this marked as a --
5 this would be Company Exhibit 9, admitted as Company Exhibit 9.

6 HEARING OFFICER DURYEA: Any objection, Mr. Young?

7 MR. YOUNG: No.

8 HEARING OFFICER DURYEA: All right, fine. No
9 objection, then Company Exhibit 9 is received.

10 (Employer's E-9 received.)

11 BY MS. RUGGIERO:

12 Q. All right. So in this document, I'll scroll down to
13 page 9 -- sorry, page 3.

14 A. What, Angela?

15 Q. Page 3 on this document. So this talks about the
16 responsibilities. And Section 3-A has the ESCC system
17 operations manager. So that's Mr. Dionne?

18 A. That's correct.

19 Q. And then Section 3-B has the supervisor and shift
20 supervisor ESCC operations.

21 A. That's correct, right. So they're considered in the same
22 grouping.

23 Q. So the day shift supervisor and the rotating shift
24 supervisor share the same responsibilities?

25 A. Exactly, right. And they are considered in the same

1 grouping from a management perspective.

2 Q. And then fair to say Section C, the system operation
3 supervisor, the operators are separated from the RSSs.

4 A. That's correct.

5 Q. All right. Going back to Company Exhibit 5, the job
6 description, authority to mobilize additional resources as
7 necessary to respond to abnormal system conditions. When and
8 why would this happen?

9 A. Well, so if you needed additional people based on the
10 situation at hand, right? So let's say there is a, a fault on
11 the -- on the system. We sent a troubleshooter because they're
12 already on shift. They go out and look. They say, well,
13 you've got five sections of wire down. You've got all these
14 people out. You're going to need additional people. That
15 would go to the RSS in the control room. And they would
16 acquire whether through the SOC or if they needed people from
17 the substation operations group 1250 to get those people into
18 make the necessary repairs.

19 Q. Do operators have the authority to call in additional
20 resources?

21 A. Operators? You know they would talk to the RSS, right?
22 So they would talk to the RSS on shift. And the RSS may
23 delegate that authority. But they would have a discussion with
24 the RSS.

25 Q. Who would make the ultimate determination as to what

1 additional resources are necessary?

2 A. My expectation is the RSS would.

3 Q. And I think this next bullet we just spoke about. In the
4 absence of supervision, provide guidance and oversight to
5 distribution system operations during abnormal and emergency
6 operating conditions. Fair to say we just talked through that?

7 A. Yeah. So we just talked through that right, yep.

8 Q. Okay. Plans, prepares, approved, and issues orders for
9 switching, grounding, and tagging requirements of generation,
10 transmission, and distribution facilities under the ESCC
11 jurisdiction in accordance with the approved switching and
12 tagging instructions of the participant's safety rules. So I
13 know we talked about this a lot and I feel like it's all right
14 there in one bullet point now. Right?

15 A. Right.

16 Q. So in your own words can you just explain to us how an RSS
17 would plan, prepare, approve, and issue the orders?

18 A. Right. So again, right, the system operators are writing
19 the switching or the switching is coming in from previously
20 being written. They are responsible to make sure it's written
21 correctly. It's given to an operator to execute or they can
22 keep it themselves and execute it. And they are responsible to
23 make sure that the switching is executed properly. That it's
24 done in accordance with all of our procedures that we have out
25 there, right? And it's -- and it's tagged properly.

1 So we did have on instance where we didn't have
2 something tagged properly. And we not only contacted or had a
3 discussion with the operator, we had a long discussion with the
4 rotational shift supervisor, hey, why wasn't it tagged properly
5 in SCADA. So the RSS is responsible to make sure things are
6 tagged properly in SCADA.

7 Q. When you say you had a long discussion, is that akin to a
8 coaching or a counseling session?

9 A. That would be considered a coaching.

10 MR. YOUNG: Objection, leading.

11 BY MS. RUGGIERO:

12 Q. How would you characterize the discussion?

13 A. I would characterize it as a coaching moment, right? So
14 explaining what the responsibilities of a rotational shift
15 supervisor is, how they are looking out to make sure things are
16 being properly executed, documented, and performed according to
17 our procedures.

18 Q. When we look at the schedule, the rotating shift schedule,
19 what I'm trying to wrap my head around is if you have two
20 operators on shift and one is a level 1 and one is a level 2,
21 to me it would seem obvious if a switching order comes in you
22 would know who is going to get what task. It almost seems
23 clerical to me. Explain to me how they make that decision.

24 A. Yeah. So all level 1s aren't the same and all level 2s
25 aren't the same, right? So you have some independent judgment

1 there based on what you know by working with the individuals
2 over time, right, what they are capable, what they struggle
3 with, right? And what they can perform without, you know, with
4 minimal oversight. Right?

5 So when you look at any, anybody, even people we work
6 with, right? You may be this position, but within that
7 position is a range of ability of every person, right? That
8 holds true for system operators, right? They're -- they may be
9 a level 1, but there is a range of ability within that level 1.
10 They may be a level 2 and there is a range of ability within
11 that level 2.

12 And like everybody else, there, there are things they
13 struggle with and things they don't struggle with, right? And
14 the process of supervising people is to coach them to get the
15 things they do struggle with to a point of competency that they
16 no longer struggle with, right? So when you're looking at
17 planning the work, you're looking at not only, hey, what level
18 operator are they, you're also looking at their overall ability
19 within that level.

20 Q. Going back to Company Exhibit 5, performs computer online
21 and offline security analysis studies to evaluate the status of
22 the transmission and distribution systems. What does that
23 mean? What is that referring to?

24 A. Yeah. So that's referring to the contingency analysis
25 program that we -- that we discussed. Remember, it's running

1 in the background, taking out a line, redoing the load flow.
2 And then out of that analysis you could have to take or make a
3 plan in order to get out of the condition that contingency
4 analysis is showing you is going to be an issue.

5 Q. Develops plans to cope with possible or projected
6 contingency conditions on the transmission and distribution
7 systems.

8 A. That again is what I just said, right?

9 Q. Assists with the reception and processing of outage
10 requests, including making arrangements for authorized
11 switching personnel.

12 A. Yeah. So again, right, this is someone puts in an
13 application. We want a clearance at 9 o'clock in the morning.
14 We have 4 hours of switching that are required to complete that
15 job. We've got to make sure we've got the switching personnel
16 starting at 5:00 a.m. in order to give that clearance to that
17 person at the time requested.

18 Q. Determines the locations of faulty equipment,
19 sectionalizes via SCADA control faulted transmission and
20 distribution system segments in order to restore customer
21 loads.

22 A. Yeah. So on the distribution system, we talked about the
23 distribution automation program, right? So and what that does,
24 right, these, these are devices that are installed along the
25 main line of a partner circuit, right? So say you've got the

1 main line and then off that main line are all these single
2 phase feeders that go down these streets and serve customers,
3 right? So think of it as a main street and all the side
4 streets, right?

5 So on that main line we would have devices that are
6 in series, separated by some distance. And with those devices
7 we can tell if a faulted condition is within any of those two
8 devices, right? So the operators would have the, the
9 requirement, right, to determine where the faulted condition
10 is, isolate that faulted condition, and restore customers on
11 either side of the faulted condition. And then get the
12 necessary personnel in-route to make an assessment of the
13 repairs and to finalize those repairs and resolve them.

14 Q. Isolate defective equipment to facilitate repairs and
15 directs the restoration of impacted generation, transmission,
16 and distribution facilities. I think that goes along with what
17 you were just saying. Right?

18 A. Yep. So with the only exception of the devices I talked
19 about on the system, right? Those are on distribution. On
20 transmission, you're typically -- you're going from substation
21 to substation, right? There's no in between devices and
22 there's no customers in between. Right.

23 Q. Maintain system voltage profiles in accordance with
24 prescribed voltage schedules by utilizing generator reactive
25 resources, as well as reactors, load tap changing transformers,

1 substation capacitors, and pole top capacitors on the tracking
2 number and distribution systems.

3 A. So this is what I -- what I discussed about voltage system
4 out of limits conditions, right? They, they have many
5 different -- there is a schedule we have for transmission
6 lines. So 115 has one level, high and low, above the nominal
7 condition. 345 has another. Typically, it's plus or minus
8 5 percent, I believe, right? We've got -- we've got
9 Attachment H. I mean if you sub 15, right? But there's a
10 voltage schedule there, right?

11 And what that does is when you get close to being out
12 of limits, the operators on transmission could contact a
13 generator and use their reactive ability with the generator to
14 impact the voltage, right, raise it or lower it. And then if
15 it's on distribution, right, you can use load tap changes on
16 the transformers, substation capacitors, pole top capacitors to
17 raise the voltage or lower the voltage depending on what state
18 you're putting those devices in. On transmission, you also
19 have load tap changes at transformers as well that they utilize
20 to adjust the voltage as needed.

21 Q. Initiates emergency procedures as requested by ISO New
22 England or as required by local control center procedures,
23 including the shedding of load. Reports such actions to the
24 appropriate member company.

25 A. Right. So this is when we get into another load capacity

1 situation. So this would be coordinating what's going to
2 happen during launch and I believe we went through the
3 emergency condition. I forget what operating procedure it was,
4 right? But we had to schedule all there for restoration
5 coordinator and all that, right? So that's associated with
6 that.

7 Q. What would happen and I assume this would be part of the
8 emergency procedure, is there a situation if SCADA goes down?

9 A. Yeah. So if SCADA goes down, we have to evacuate to our
10 backup control center. Right? So we have a certain time
11 period. I believe it's 2 hours, right, where we lose the EMS
12 system and one control room. We would evacuate to our backup
13 control room. And in New Hampshire we have essentially two
14 backup control rooms. One is located not very far from the
15 main location. And another one is about 10, 15 minutes away.

16 So the RSS in this case, if we lost the EMS, we would
17 expect the rotational shift supervisor to coordinate, right,
18 who is going to do what and when, right? They would tell one
19 of the operational level 1s or level 2s, I want you to go to
20 the backup control center, fire everything up. We've got
21 go-bags that we take that have our operating procedures. It
22 has a thumb drive. It has stuff that we need in order to
23 reference if we get into a situation. And then they would
24 evacuate all of them down to the backup control.

25 Q. So in that regard, the RSS is telling the operator to

1 physically move their work location.

2 A. That's right.

3 Q. All right. Analyzes and reports to the appropriate
4 department malfunctions or problems associated with equipment
5 under the ESS dispatching jurisdiction, including
6 telecommunications, protective relaying, ESCC computers, and
7 EMS SCADA systems.

8 A. Right. So this was on that turnover sheet that you had,
9 right? And on there it had telecommunications, any faults that
10 happened on the system, right? They're responsible to record
11 that. We have a nightly trouble report that we issue every
12 morning, so anything that happened after-hours gets recorded,
13 gets put on a nightly trouble report. The day shift supervisor
14 in the morning, if it wasn't immediately fixed, well, then as
15 part of their administrative function work on chasing that down
16 and make sure it gets repaired.

17 Q. Disseminates to the ISO New England and neighboring
18 companies, data and pertinent information as required by
19 contractual obligations and procedures covering the operation
20 of transmission and distribution facilities.

21 A. Yeah. So again, we're always sharing information with ISO
22 New England and adjacent LCCs, right? So if there is some kind
23 of contingency analysis out there then we would talk to ISO New
24 England. We may be impacting another LCC. We would talk to
25 them. So we're always sharing information and making sure the

1 overall reliability and stability of the system is maintained.

2 Q. Safe and secure operation of transmission and distribution
3 facilities under ESCC jurisdiction.

4 A. So, yeah, we have monitoring capability at all our
5 substations. Someone should go into a control house out in the
6 field, right, at a substation, we would get an alarm. And we
7 can show some discretion on whether or not we respond to that
8 alarm or not.

9 Q. Who shows the discretion? Who determines --

10 A. Well, the RSS can, right? So we have some alarms which we
11 know are problematic, right? We've got some up north, when the
12 wind is blowing they'll chatter, because they bounce up and
13 down against the door frame a little bit. So in that case we
14 may not send anybody. We know it's the wind. But in other
15 cases we may say, hey, we've got to get someone out there and
16 make sure it's secure.

17 Q. So walk --

18 A. We also have -- we also have cameras, right? We don't --
19 we don't get the camera feeds, right? The security department
20 does. But we would call the security department, do you see
21 anything, right? So there's some discretion there that could
22 come to bear.

23 Q. So walk me through that. Does an alarm sound? How does
24 the RSS know there is something awry?

25 A. There is an alarm that would go off.

1 Q. So the alarm goes off. And then what happens?

2 A. The alarm goes off. And they would look and say, well, is
3 anything going on over there. They may call security to see if
4 they have any, anybody or they see anybody on the cameras. And
5 if nothing happens there, they may say, all right, I've got to
6 -- I've got to get someone out there to go do a security check.
7 If you've got a troubleshooter, they can go. Otherwise, you
8 have to call someone in. But there would be some discretion
9 there on how quickly you would have to. Right? Some of it
10 could be a nuisance alarm.

11 Q. And the RSS is the one making that decision.

12 A. The RSS would make that decision, yeah, especially if you
13 have a nuisance alarm.

14 Q. If the RSS determines that someone has to go out there,
15 you mentioned a troubleshooter, how does that -- how does the
16 -- once the RSS makes the decision to call personnel, how does
17 the troubleshooter know to go out there?

18 A. Yeah. So they would call the SOC. The SOC would contact
19 the troubleshooter to either dispatch them for them or tell the
20 dispatcher to call the ESCC and the ESCC would dispatch them
21 separately.

22 Q. In that regard, is the RSS contacting a day shift
23 supervisor or a manager to get their permission or --

24 A. Yeah, I think it depends on the situation. We would
25 expect, again, that the system is secure and any necessary

1 measures are taken to secure the system before any kind of
2 notice goes out.

3 Q. Safety of personnel and equipment through strict
4 enforcement and application of protective switching and tagging
5 procedures and rules.

6 A. This gets into the ESOP-100, right? Obviously, there's,
7 you know, it's a pretty big document. There are certain ways
8 to tag out things and make sure we're complying by the letter
9 of the law to that document. And they would be responsible,
10 you know, all of them would be responsible for this, right?
11 Again, right, this document, at least from the ESOP-100
12 perspective who is doing it is across the board, right? It's
13 down to even the individual person out in the field to be
14 compliant with the document.

15 Q. So what I have up on the screen right now is ESOP-95.

16 A. Yep.

17 (Employer's E-13 identified.)

18 BY MS. RUGGIERO:

19 Q. And this has been marked as Company 13. Can you explain
20 what this document is, please?

21 A. Yeah, so this is our observation program. So people in
22 management, right, are responsible or are required, right, to
23 do observations on, on individuals working for them, or
24 individuals in their department. It could be other
25 individuals, right? And they record the observation in our

1 SIMS program. Right? Our SIMS program, and the acronym you're
2 going to have to forgive me here. It's system incident
3 management system, I think, something like that. I'm kind of
4 sketchy on the acronym, right?

5 But basically it's a database. People put their
6 observation in there. What gets recorded is the person who did
7 the observation, who they did the observation on, what kind of
8 observation they did, and any coaching that they had to perform
9 with that person they did the observation on.

10 Q. So let me break that down. So let's start with this
11 first, ESOP-95, right?

12 A. Yep.

13 Q. So obviously if you look at applicability, it says the
14 switching and tagging observation program applies to all
15 Eversource operators. So those are our level 1s and level 2s.

16 A. Yep.

17 Q. Control room supervisors. I don't see a breakdown here.
18 So the control room supervisors includes whom?

19 A. The control room supervisors are the RSS, the rotational
20 shift supervisor; the day shift supervisors; the ESCC manager;
21 and, and the director.

22 Q. Just so we're clear, the manager and director are listed
23 separately as well. Right?

24 A. Yeah.

25 Q. Now is it pursuant to this ESOP, ESOP-95 they perform the

1 SIMS reviews that you just talked about?

2 A. Yes.

3 Q. So if we look at Section 3.1, it says each control room
4 supervisor and manager should perform a minimum of eight
5 documented STOP observations per month for an annual minimum of
6 96, through local -- though local management may require more
7 than this amount. So again who is included in the control room
8 supervisor and manager classification?

9 A. Yep. And again, right, they, they may not perform all of
10 them, right, the required eight, right, because they're on
11 shift and things are happening. But they are doing them. We
12 have record of them doing them. And they are providing
13 coaching.

14 Q. All right. And again the supervisors and managers are
15 observing under Section 1 the system operators. Is that
16 correct?

17 A. That's correct.

18 MS. RUGGIERO: I'd like to mark this as a full
19 exhibit, Company 13.

20 MR. YOUNG: Angela, what's the exhibit number,
21 it's 13?

22 MS. RUGGIERO: 13, lucky number 13, yeah.

23 MR. YOUNG: Control center, okay, give me one second.
24 I've got to get out from the --

25 HEARING OFFICER DURYEA: Yeah, I noticed when you

1 opened the document, this one in particular, the CX-13 does not
2 show up there. But I do note that the pdf actually has that
3 CX-13.

4 MR. YOUNG: Yeah, that's where I had to go to
5 find it. Give me one second to look at this document. I'm
6 sorry.

7 HEARING OFFICER DURYEA: Okay.

8 (Pause.)

9 MR. YOUNG: I'd like to have voir dire on the
10 document, please.

11 HEARING OFFICER DURYEA: All right, go ahead.

12 VOIR DIRE EXAMINATION

13 BY MR. YOUNG:

14 Q. So Mr. Dickie, looking at Section 3.1, general
15 requirements, the part that Angela actually has highlighted, if
16 you want to re-highlight, Angela, this each control room
17 supervisor, just highlight that, please.

18 MS. RUGGIERO: It's showing highlighted on my side,
19 Jeff. I'm sorry.

20 MR. YOUNG: Okay. It's okay.

21 BY MR. YOUNG:

22 Q. So without -- does this document say anywhere who the
23 control room supervisors are that are supposed to, and define
24 who they are who have to perform the SIMS observations or staff
25 observations?

1 A. Right. So, yeah, I think I said that, right? So the
2 control room supervisors are the day shift supervisors and the
3 rotating shift supervisors. We make not distinction there.

4 Q. What I'm trying to understand is where does it say that in
5 this document, if it does, that the control room supervisor is
6 the day shift and what we've been calling the RSS.

7 A. Yeah. So remember this is a three-state document, right?
8 So the other -- the other control rooms, right, in the other
9 two states do not have rotational shift supervisors, right.
10 They just don't have them. So they have supervisors in New
11 Hampshire. We have a rotational shift supervisor and a day
12 shift supervisor. So they are included in this document.

13 Q. I understand that's your testimony. Aren't there
14 individuals who perform and so you just referenced Connecticut
15 and Massachusetts, perform the same function, functions in
16 Connecticut as what you're calling the RSSs?

17 MS. RUGGIERO: Objection, foundation.

18 BY MR. YOUNG:

19 Q. Are you familiar with the Connecticut collective
20 bargaining agreement, sir?

21 A. No, not really. I, I don't know how they operate. I know
22 -- I know the manager down there in, well, in both control
23 rooms. But as far as personnel and their contract, no, I don't
24 know.

25 Q. How about the Massachusetts agreement, are you familiar

1 with that?

2 A. That's the same, same answer, right.

3 Q. Same answer. So when you said a minute ago that the
4 reason that 3.1 it says control room supervisor was because you
5 have -- I thought you said that you understood there were
6 difference -- maybe I misunderstood you. But I thought you
7 were trying to say that there are differences in New Hampshire,
8 Massachusetts, and Connecticut. But now you're saying you
9 don't really know one way or the other.

10 A. Well, because I don't -- I don't think they have
11 rotational shift supervisors.

12 Q. By that title.

13 A. By that title, right. All I'm saying is we have
14 rotational shift supervisors. We have leads, lead supervisors
15 in the SOC. And they would be included in this document when
16 we say control room supervisor.

17 MR. YOUNG: With that, that testimony, I have no -- I
18 don't have any objection to the admission of the document.
19 Although, I may indicate otherwise after witnesses testify to
20 it.

21 MS. RUGGIERO: Jeff, you cut out. I'm sorry. I
22 heard no objection.

23 MR. YOUNG: I have no -- I'm talking to myself. I
24 have no objections.

25 HEARING OFFICER DURYEA: All right. So with no

1 objection then Company Exhibit 13 is received.

2 (Employer's E-13 received.)

3 MS. RUGGIERO: Thank you.

4 CONTINUED DIRECT EXAMINATION

5 BY MS. RUGGIERO:

6 Q. Mr. Dickie, you referenced SIMS reviews or SIMS reports.
7 Is it your testimony that those SIMS reviews are the actual
8 reviews that take place pursuant to ESOP-95?

9 A. Yeah, they're included in that ESOP-95, right. So, yeah,
10 so this is a SIMS report, right? This is the outcome of
11 putting in the observation in SIMS, right?

12 (Employer's E-17 identified.)

13 BY MS. RUGGIERO:

14 Q. One second, hold on. Hold on. What we have on the screen
15 right now is Company Exhibit 17. And can you describe this
16 document to us, please, Mr. Dickie?

17 A. Yeah. So this document is the, the resulting report of
18 putting in an observation that's person performed.

19 Q. So who is -- who performs this review?

20 A. This particular one was done by Matt Urie.

21 Q. Who is Matt Urie?

22 A. Matt Urie is a rotational shift supervisor.

23 Q. Where does he work?

24 A. He works in the ESCC.

25 Q. And what, what are these entries up on the top where it

1 says safe, if work is not complete, etc. What is that?

2 A. Right. So that's the -- that's the items that they're
3 looking at as part of the review.

4 Q. Who is he reviewing?

5 A. He's reviewing one of the level 1 or level 2 operators.
6 It could be a level 1, level 2 operator on his shift or if he
7 was on spare he could be reviewing a level 1, level 2 operator
8 on another person's shift.

9 Q. So is it your testimony then that the RSSs do perform the
10 SIMS review on the level 1 and level 2 operators?

11 A. Yes.

12 Q. When they perform these reviews, what specifically are
13 they looking for?

14 A. They're looking for things that don't quite comply or
15 things that they could be better at. So a part of this is what
16 could you do better, what could we coach you to do better, and
17 to document what we talked to you about or what we saw during
18 the observation that wasn't quite up to the standard we're
19 looking for.

20 Q. And if we scroll down, the CTI, M. Urie, what does that
21 mean?

22 A. So these are the comments, right, the coaching comments,
23 right, that Matt did on an individual. The individual's name
24 is not listed here, although we do have reports that have the
25 individual's name.

1 Q. And just so we're clear, the person's name is not here for
2 confidentiality or safety reasons. Correct?

3 A. Exactly.

4 Q. But in the report that would go to someone. Would that
5 person's name be there? Where do these reports go?

6 A. Yeah. So these reports are reviewed by safety. They're
7 reviewed by Marc, Marc the manager, and the director, right, to
8 see if we have a reoccurring trend. We look to see, you know,
9 as you can see, right, some of the coaching gets bucketed, if
10 you will, and if we find that a particular bucket is getting to
11 big to go onto that pie chart.

12 So you have identifies equipment being switched,
13 right? So from an overall percentage perspective, right, the
14 identified equipment is a little bit larger than some of the
15 other items, right? So it would help us to adjust training,
16 right, or help us to provide coaching if it's a particular
17 person that is always having the same issue, right? We get a
18 lot of value out of -- out of what these reports can say.

19 Q. So Mr. Urie performed the review. And what does he --
20 where does this information get input?

21 A. So it gets inputted into the SIMS program.

22 Q. And does it then spit out this report?

23 A. It would spit out a report. Or you would go in and look
24 for it, right? So it would be a review of the electric system
25 control center on all the SIMS reports that are there.

1 Q. Now is this particular report, was this based on one
2 review of one person or is this a compilation?

3 A. This is a compilation of a whole bunch of different SIMS
4 reviews, individual reviews.

5 MS. RUGGIERO: I'd like to have this marked as
6 Company 17, admitted as Company 17.

7 HEARING OFFICER DURYEA: Mr. Young?

8 MR. YOUNG: I'd like to have voir dire on the
9 document, please.

10 HEARING OFFICER DURYEA: All right.

11 VOIR DIRE EXAMINATION

12 BY MR. YOUNG:

13 Q. So you just said that this particular document is a
14 compilation of SIMS reviews. Did I hear that correctly, sir?

15 A. Yeah. Yes, that's correct.

16 Q. And presumably it's a compilation of SIMS reviews of the
17 same individual. Is that right?

18 A. No, that's not right. There would be different
19 individuals, right? And so I think Angela talked about this,
20 right? On another report, it does show the persons, right,
21 that were coached on the particular comments that are listed.
22 But we didn't want to print that report because the name is on
23 there, right?

24 Q. Let me -- let me try again, because maybe my, my question
25 wasn't clear enough. You said it's a compilation of SIMS

1 reports. Correct?

2 A. Mm-hmm.

3 Q. That's a yes, for the record?

4 A. Yes, yeah. I'm sorry, yes. Yep.

5 Q. And the compilation was what, generated by asking some
6 kind of system to prepare this report based on prior reports?

7 A. Yeah. So someone, someone went into the database, ran a
8 report for observations completed by Matt Urie.

9 Q. So is this a document that's normally maintained in the
10 course of business?

11 A. This is a document that is, you know, we typically look at
12 the wholistic view, right, of the entire department, right?

13 But then if we have individuals that keep coming up with the
14 same coaching opportunity, right, where we would look to either
15 talk to that individual or if it's a same issue coming up
16 across a whole bunch of individuals, we may adjust that
17 training program to provide better training to the operators,
18 because it seems like a lot of people are missing it.

19 Q. I guess what I'm still confused about is this, sir. I
20 understand we've established that it's a compilation. Is this
21 a compilation of all the observations that Matt Urie would have
22 made of different individuals with whom he prepared SIMS
23 reports?

24 A. Yes.

25 Q. So it's not a compilation of reports about -- by Matt Urie

1 about a single individual?

2 A. That's correct, it's not.

3 Q. And it's not a compilation of reports by Matt Urie and
4 other individuals who have conducted SIMS reports of the same
5 single individual?

6 A. Can you say that again? You said something about is it a
7 SIMS report on Matt Urie, performed on Matt Urie?

8 Q. No. I'm sorry, I know it's late in the day and you've
9 been on the witness stand for a very long -- a very long time.
10 And my question is this. This report is not a compilation of
11 observations of the same individual by multiple individuals
12 preparing SIMS reports.

13 A. It is a compilation of the observations performed by Matt
14 Urie on many different individuals.

15 Q. Okay.

16 A. Right? Is that --

17 Q. Yep, that's good. That's what I thought.

18 MR. YOUNG: Now can you scroll up, Angela, to the
19 first page of this document.

20 BY MR. YOUNG:

21 Q. And if you look in the -- there is a -- under where it
22 says safe, there is I want to say plus or minus 10 different
23 headings. Is this more or less a checklist or a template that
24 the person who is performing the SIMS report is supposed to
25 look at?

1 A. Yeah, I believe it is a checklist, right. I hesitate to
2 answer, because I think it is, right? But somebody else could
3 probably answer. But I believe this is a checklist, right?
4 There's templates that were created, right, in the SIMS
5 database. I know that, right? And they go in and they can use
6 the template to walk them through the observation of what
7 they're looking at.

8 Q. Then to the right of these, I'll just plus or minus 10
9 categories that are being observed, there is a number. And it
10 looks like for each one it says 35. What does that represent,
11 sir?

12 A. That I don't know.

13 Q. And the second heading below the blue shading -- below the
14 blue shading where it says 3B, top 10 CTI. Do you see where I
15 am?

16 A. Yep.

17 Q. What does CTI stand for?

18 A. Coach to improve. So that pie chart is the top 10 coach
19 to improve items.

20 Q. So five of the items had to do with something about
21 switching. And then if I look at the color code below the pie
22 chart, that tells me what other things might have been
23 discussed by Mr. Urie with the various individuals whom he
24 observed. Is that fair to say?

25 A. Correct. That's correct, yep.

1 Q. Can we tell from this document whether in fact any of the
2 individuals who were observed were disciplined in any type of
3 fashion or the observations made by Mr. Urie?

4 A. Not from this document, no. Right? This document would,
5 would document, right, the coaching that Matt Urie gave to the
6 individual.

7 Q. So we, we can't tell one way or the other whether anyone
8 was disciplined as a result of this document.

9 A. No. I, I can't.

10 Q. Do you know whether these SIMS documents are -- result in
11 a coaching event -- or not coaching, result in discipline of
12 any individual?

13 A. They could be. I, you know, I think it depends, again,
14 right, it depends on the situation and the severity, right?
15 And the repeatability, right, of whatever offense it may be.

16 Q. This one is a compilation. So the fact that maybe five
17 individuals each had a problem or each did something about
18 coaching and tagging, it could well be that it's five different
19 individuals and not the same individual. Correct?

20 A. Yeah. You can run a report like, like we had mentioned,
21 right, with the individual who was coached and determine
22 whether it's a repeatable offense. Right.

23 Q. Know whether these reports are run periodically to look
24 specifically at a single individual, to see whether that
25 individual is observed multiple times with the same

1 observation?

2 A. I don't -- I don't have any personal knowledge of that, so
3 I can't -- I can't answer that.

4 MR. YOUNG: I'm going to object, Mr. Duryea, to the
5 introduction of this document. Number one, it's a -- it's a
6 compilation. Secondly, the witness doesn't have any firsthand
7 knowledge of whether this kind of document is even run with
8 regard to any particular individual. So it doesn't appear to
9 be a document that is kept in the normal and ordinary course of
10 business. And I object on that basis.

11 MS. RUGGIERO: May I respond?

12 HEARING OFFICER DURYEA: Sure.

13 MS. RUGGIERO: So the purpose of putting this
14 document into evidence is -- evidence is to demonstrate that
15 the RSSs do actually perform the SIMS reviews. And, again, the
16 reason why we put in a compilation is because they are run and
17 I think Mr. Dickie did testify to the fact that these types of
18 reports are run to see if there are trends happening in the
19 ESCC.

20 For example, he said if they are seeing a particular
21 -- so say it's explain why switching is being performed, if
22 they see that occurring they may change their training. So I
23 do believe there is testimony in the -- in the record that
24 shows that these reports are run. I think the fact that it was
25 run on multiple people proves this point.

1 We're not putting this into evidence to show that
2 certain people are disciplined or that the RSS is disciplining
3 people. We're putting it into evidence to demonstrate that
4 they actually perform the reviews. And that if there are
5 coaching opportunities, they are taking advantage of them and
6 the RSSs are coaching the operators.

7 HEARING OFFICER DURYEA: All right. Well, I'm going
8 to overrule the objection and, and allow the document to be --
9 the exhibit to be received. So Company Exhibit 17 is received.

10 (Employer's E-17 received.)

11 CONTINUED DIRECT EXAMINATION

12 BY MS. RUGGIERO:

13 Q. Mr. Dickie, I just wanted to go over a couple of things in
14 your testimony. You mentioned that this Section 3B, top CTI,
15 that is the top 10 areas where -- essentially where there were
16 coaching opportunities. Is that correct?

17 A. Yeah, you know, yeah.

18 Q. Which to improve. And if we look on the bottom of the
19 document in Section 4, is that where -- what would we see in
20 this section?

21 A. So in this section you'd see the individual comments that
22 Matt is making, right, on, on the coach to improve, right? So
23 on the particular person in that first bullet, right, so just
24 talked about ensure you are very specific when you did and not
25 just a general thing, right? So that's what he coached on the

1 individual and that's what he documented when he put this in.
2 So these are supervisory type comments you would make to
3 someone who is working for you.

4 MR. YOUNG: Objection to the characteristic that it's
5 supervisory.

6 HEARING OFFICER DURYEA: Well, I mean I understand
7 the Petitioner's position that, that that's, yeah, that is what
8 is at issue in this hearing is whether or not these individuals
9 are supervisory. So I register your objection to the witness'
10 characterization of them as supervisory. But that is his
11 testimony and, and so I'm not really sure that there is any
12 objection to overrule. But to the extent that there is then I
13 overrule it and will allow the witness to testify that he
14 believes that this -- that this is being done by a supervisor.

15 BY MS. RUGGIERO:

16 Q. All right, thank you, Mr. Dickie. Moving on from this,
17 we're going to go back to Company Exhibit 5. Complete and
18 accurate collection of pertinent operating data and
19 information. Where is this documentation -- information, I'm
20 sorry, the operating data and information, what, what's at
21 issue here?

22 A. Other than recording the day's events in ITOA and it's
23 part of a shift turnover, I don't know.

24 Q. Okay. Compliance with FERC, NERC, NPCC, ISO New England,
25 local control center, PUC, and state regulatory requirements.

1 Is it incumbent upon the RSS then to be familiar with what
2 these requirements are?

3 A. Yes.

4 Q. Are those requirements different, if you know, for an
5 operator and an RSS?

6 A. No. So I think the compliance documents are, are the
7 same, right. You're under a certain compliance obligation,
8 right? But the difference I think would be the RSS is
9 responsible to make sure you maintain compliance. The operator
10 is doing things, the level 1, level 2 operator are doing things
11 under the RSS direction to make sure they stay compliant.

12 Q. And I think that rolls nicely into the last bullet, which
13 is overall shift responsibilities for proper and consistent
14 application of all established operating procedures, guides,
15 and instruction. To your point --

16 A. Yes.

17 Q. -- that's who is ultimately responsible.

18 A. Right.

19 Q. Okay. Moving onto Section 3, technical knowledge, skill,
20 education, licenses and certifications. Ability to provide
21 adequate leadership and supervision to all on-shift system
22 operations personnel, as well as provide guidance and direction
23 to field personnel during off-hour outage restoration response.
24 I think that's rather self-explanatory.

25 A. I think it's everything we've been talking about, right.

1 Q. Makes sound decisions regarding transmission and
2 distribution system operations when conflicts arise.

3 A. All right, so --

4 Q. I think -- go ahead.

5 A. No, go ahead.

6 Q. So this would -- I would assume that this applies both in
7 the planned and the unplanned arenas. Correct?

8 A. Yes, that's correct. And again, right, this goes into
9 sound decision-making and they're ultimately responsible for
10 resolving the conflict.

11 Q. Knowledge of generating unit loading ,performance
12 capabilities, and their operating characteristics. Generating
13 unit loading, so that's what we talked about earlier. Correct?

14 A. Yes, that's right.

15 Q. And performance capabilities, what does that mean?

16 A. So each generator would have a certain, you know, I hate
17 to introduce a term, but VAR capability, right? So they're
18 only -- they only have the ability to provide so much reactive
19 to control voltage.

20 Q. Are you saying VAR with a v as in Victor, or bar, b as in
21 Barbara?

22 A. No, v as in Victor. Volt amps reactive.

23 Q. And their operating characteristics. So what operating
24 characteristics?

25 A. That's part of the operating characteristics of the

1 generating unit.

2 Q. Okay. Here's an interesting one. Knowledge of emergency
3 action plans and specific operating procedures unique to each
4 hydro site in order to meet local, state, and federal
5 requirements.

6 A. Yeah, so this is a kind of a holdover from we used to own
7 hydro and we also operated it from the control room, right? We
8 ran the hydro units from, from a control, you know, run of the
9 river perspective, right? Meaning we looked at the level of
10 the river, kept it constant, and we open the sluice gates more
11 or less to either put more generation output or not. But we
12 ran it by control of the river. It wasn't an economic
13 dispatch. It was just a dispatch, right?

14 So there were operating procedures, right, associated
15 with the hydro sites. And associated with that were dam breach
16 procedures associated with those. Some of these -- some of
17 these places have I want to say older, older dams with them, if
18 you can put it that way. And if you had a dam breach, there
19 were certain notifications, things you had to do in order to
20 protect the public, right?

21 So this kind of talks to that. I mean you have a
22 procedure for a dam breach and all the operators are trained on
23 it, including the RSSs.

24 Q. So does that flow into the -- flow, no pun intended,
25 knowledge of river management and flow calculations?

1 A. Exactly. Remember I said they, they used to run it by run
2 of the river they called it, right? It was just to keep the
3 river at a certain level.

4 Q. And notwithstanding the fact that we no longer own hydro,
5 there are still procedures in place to address them?

6 A. Right, there is. We no longer own them. We no longer
7 really operate them. But they're like the dam breach
8 procedure, we still have a procedure on it.

9 Q. Knowledge of transmission and -- we covered that one.
10 Knowledge of applicable NERC reliability standards, NPCC
11 criteria, procedures and guidelines, and ISO New England
12 operating procedures and master local control center
13 procedures.

14 A. Right. So these are all the NPCC regulations, compliance
15 documents that we have to stay within compliance.

16 Q. Knowledge of various components that make up the
17 generation, transmission, and distribution system. Now I'm
18 assuming that's beyond the control room. Correct?

19 A. Yeah. So this is the -- this gets into the capability of
20 the equipment, right? So each equipment has a rating, right?
21 Typically, we have those ratings in SCADA. But the operators
22 are trained on kind of knowing what the various components, how
23 they work, and what their kind of ratings are.

24 Q. Knowledge of functions and operating characteristics of
25 the various types of protective relay schemes and special

1 protection systems associated with generation transmission
2 distribution facilities such as power lines, station busses,
3 transformers, and generators.

4 A. This goes back kind of to the characteristics of the
5 system. And the relays again are the devices that take when we
6 sense voltage, sense current, and they can make autonomous
7 decisions to open a breaker. And the operators have to have an
8 understanding of how that works.

9 Q. Knowledge of off-line and on-line load flow programs, and
10 abilities to perform and analyze load flows and contingency
11 studies.

12 A. Yeah. So we, we have a state estimator in our SCADA
13 system which is an analysis of the load flow and what the
14 systems conditions are based on the, the topology of the
15 system. And then we also use a program that's offline called
16 PSSE.

17 Q. P, S, S, E?

18 A. PSSE, right. It's a load flow program that has the
19 transmission system in it and the 34 kV distribution system.
20 We can load in the generation dispatch that's happening on any
21 particular day and into that program, and run a load flow to
22 see if there's any contingencies out there or any overloads
23 that we need to be aware of.

24 Q. I think we've covered this one. Thorough knowledge of the
25 ESCC switching and tagging policy as outlines in the

1 appropriate directives. Obviously, we spent a lot of time on
2 that today.

3 A. Yep.

4 Q. Communicate and work effectively with personnel at various
5 levels within the master local control center, NEPOOL
6 participant companies, local control center participants, and
7 non-utility generators. I don't think we've identified what
8 NEPOOL is.

9 A. So the NEPOOL participants, right, are the generators in
10 New England that are in the northeast generation pool.

11 Q. All right.

12 MR. YOUNG: How about a 2-minute stretch break,
13 please?

14 MS. RUGGIERO: Yeah, good idea.

15 THE WITNESS: That would be real good.

16 HEARING OFFICER DURYEA: Absolutely. Let's, let's
17 come back at -- let's come back in 2 minutes.

18 (Off the record from 4:39 p.m. to 4:44 p.m.)

19 HEARING OFFICER DURYEA: Let's go back on the record.

20 BY MS. RUGGIERO:

21 Q. Mr. Dickie, looking back at Company Exhibit 5, the license
22 requirements for an RSS, fair to say that in order to become a
23 rotating shift supervisor, the applicant already has to have
24 the NERC transmission operator certification. Is that correct?

25 A. That is correct.

1 Q. And looking at the leadership behavior and competency, the
2 first section is set and communicate direction and priorities.
3 Communicate priorities and goals. It says company, department
4 and team. Can you explain this bullet to me?

5 A. Yeah. So, again, this gets back to when we created the
6 position, right? They were created as a supervisor. And they
7 would just supervise their team, right? So communicate the
8 priorities and the goals, the company goals, the department
9 goals to their team, right, so that everybody is on the same
10 page. Right?

11 Q. See how employee's work fits in. What employee are we
12 referring to here -- oh, sorry, show how employee's work fits
13 in.

14 A. Right. So this gets down to when you have --

15 MR. YOUNG: Just trying to figure out where -- you're
16 on the first box under 6, Angela?

17 MS. RUGGIERO: Correct. Can you see on the screen,
18 Jeff?

19 MR. YOUNG: Yeah, yeah. There we go, thank you.
20 Thanks.

21 MS. RUGGIERO: Yep.

22 THE WITNESS: All right. So on this one, right, so
23 as part of the culture change that we had, obviously we went --
24 we went and created two different departments in the group. We
25 expanded pretty significantly all three departments, right? So

1 there was significant change happening within the department.
2 And in the department was incredibly critical, right, to the
3 daily operations of the company in New Hampshire, right?

4 So we, we were constantly explaining to the
5 employees, hey, this is how your work fits in to the overall
6 success of New Hampshire operations. Right? So we wanted that
7 embedded in all of our supervisors, right, so that they would
8 take the initiative to explain to their employees, look, we've
9 got this reliability goal. This is how you impact that goal,
10 right?

11 We have a financial goal, right? And you doing this
12 work and charging the proper work order helps us to meet our
13 financial goals. Right? How does their work fit into the
14 overall arching goals of the company.

15 BY MS. RUGGIERO:

16 Q. Provides business updates, news.

17 A. Right. So obviously there's updates from the business
18 that come out periodically, right? And we would expect the RSS
19 to provide that update or any company news that's out there to
20 the employees on their shift.

21 Q. And then of course communicate, communicate, communicate.

22 A. Yeah. It goes back to the first three bullets, right?

23 HEARING OFFICER DURYEA: Let me -- let me just
24 interrupt for one second. I'm not sure I -- Angela, you asked
25 a question about the second bullet point, so how employees work

1 fits in. You asked which employee is referred to there.

2 MS. RUGGIERO: Yes.

3 HEARING OFFICER DURYEA: Which employee is referred
4 to there?

5 THE WITNESS: Oh, that's the employees that are
6 working for them on their shift, right? So the level 1,
7 level 2 operators on their shift.

8 HEARING OFFICER DURYEA: Thank you.

9 BY MS. RUGGIERO:

10 Q. All right, build trusting relationships. This is the
11 second behavior or competency. Role model, honest integrity in
12 communication and action.

13 A. Again this is what I would expect of any supervisor,
14 right? So you've got to be honest. You've got to have
15 integrity. And your action and your communications have to
16 coalesce to one another. Right? Otherwise, you don't come
17 across as being honest or having integrity.

18 Q. So again you're asking the RSS to role model their
19 behavior for the level 1s and level 2s.

20 A. Exactly.

21 Q. Balance getting results with concern for individual needs.
22 Who is individual needs?

23 A. The individual needs are the level 1, level 2 operators on
24 their shift. So obviously you've got to get results, but is
25 there going to be a personal sacrifice for one of the

1 individuals. You've got to take into consideration the people
2 that work for you and what kind of impact it may have on them,
3 depending on what it is, right?

4 Q. Have honest dialogue with employees. Get to know them.
5 What employees are we talking about here?

6 A. These are the level 1, level 2 operators that work for
7 them.

8 Q. Number 3, manage and develop people. Set realistic
9 performance objectives and expectations. Who --

10 A. Right so -- go ahead.

11 Q. So ask RSSs to set expectations and set objectives. Who
12 are we --

13 A. Right, so part of this, remember, right, we've got new
14 operators. We're expanding the department. We want the
15 rotational shift supervisor, who are the most senior people, to
16 coach their employees that are working for them and set the
17 expectation, right? So they become better operators, better
18 employees.

19 Q. Give ongoing honest feedback, coach for success.

20 A. Well, yeah, this gets back to the previous discussion,
21 right? Giving honest feedback, coaching the employees that
22 work for you so that they can be successful not only at the
23 level they're at, but to expand their capability to be even
24 more than what they are that that particular time.

25 Q. So the next one says recognize good performance. How, how

1 are they supposed to recognize the performance?

2 A. Well, I mean they could -- they could say, hey, nice job
3 on that, right? You guys did an excellent job, you know,
4 picking up those customers, and staying on top of the line
5 workers in the field to make sure they restore it quickly. It
6 could be something that simple.

7 Q. Visit crews in the field.

8 A. Yeah. So again we have an initiative. I think we talked
9 about this when we looked at the schedule, right? When they
10 are on spare --

11 Q. Yeah, yes.

12 A. -- or training when there was no training week. And we
13 said, hey, we're trying to get these guys in the field to visit
14 people to expand their knowledge, right? They're stuck in the
15 control room all day. We really want them when available to
16 really go out in the field, and look and see what they do in
17 the control room, how it impacts the people in the field.

18 Q. Remove obstacles to day-to-day performance.

19 A. Right. So with anything, right, I mean there can be
20 corporate obstacles that get in your team's way to perform what
21 they need to perform, right? You, as the supervisor, are there
22 to break through those barriers, right, and say, look, we've
23 got to get this done, you know, we're going to get it done.

24 Q. Provide tools, information, and training.

25 A. Right. So they would -- they would look at what the level

1 1, level 2 operators, if people need a tool or they need
2 additional information, or they need additional training,
3 right, we would expect them to get that information and get it
4 to people who can either buy the tools, right? Or give them
5 the information they need so they can relay that to the
6 operators working for them. Or we go to the training
7 department and say, hey, we're looking -- we're always looking
8 at the training department to say what kind of modules can we
9 put in cycle training, because this has been coming up on
10 shift.

11 Q. Does the RSS have the ability to reach out to training and
12 say, hey, listen, in that training cycle can you add this in,
13 or this is a trend I'm seeing, we need to add this in. Does he
14 have the ability to do that?

15 A. Well, there is nothing preventing them from doing that.
16 Do they do that? I'm not sure if they do that. I think for
17 the most part it would go up to Marc and David, right, and they
18 would try to work with the training department to see if there
19 is some kind of module we can put in there for training. But
20 I, honestly, I don't know, Angela.

21 Do they have the ability to do that? Obviously, I
22 mean they just -- they talk to the trainers all the time,
23 right? And again they're in cycle training. They may bring it
24 up in cycle training, right, to the trainers, right? I'm not
25 in every training class, right? I go to some of them, but I'm

1 not in all of them, right? And I know people bring up things
2 in the training class all the time.

3 Q. Okay. Foster team work and cross-functional
4 collaboration. Encourage cooperation, remove obstacles between
5 groups and departments.

6 A. Yeah. So there can always be some conflict. When you're
7 in the control room and you're talking to people in the field,
8 there can always be a conflict, right? You don't always agree,
9 right? So the RSS, we're looking at the RSS here and saying,
10 look, you need to be the person that resolves the conflict.
11 And you need to be encouraging cooperation between all the
12 groups so that we get the work done, and we can get the system
13 stable and back to a reliable configuration.

14 Q. So between groups and departments, you're talking about
15 groups and departments outside, including the ESS, but then
16 also outside your department as well. Correct?

17 A. It could be departments in the field. It could be the
18 SOC, right, whoever they are interacting with.

19 Q. Encourage collaboration and peers helping peers. So same
20 thing. This is within the department, interdepartmental.

21 A. That's right.

22 Q. Create a diverse, inclusive workforce. Ask for employee
23 input on work process, practice improvements, and before
24 implementing change that will affect them.

25 A. Right. So obviously there's all kind of changes

1 happening, right? So we would expect them to get the pulse of
2 their particular group of employees, right? And relay that
3 information and say, look, we don't feel good about this, we
4 don't feel good about that. We've got a work practice that
5 change, right? We would expect the RSS to say to Marc, hey,
6 you guys changed this procedure and it's really not working,
7 and here's why, right? And we would expect the RSS to take the
8 employee input, let us know, so if there is a change that was
9 made and we need to maybe modify it, maybe we don't, it's just
10 an explanation of why the change took place in the first place.

11 Q. I think the next one is self-explanatory, encourage ideas.

12 A. Yep.

13 Q. Lead change. Deliver effective, positive communications
14 about change to your team.

15 A. Exactly. And this gets back to as mentioned, right?
16 There were all these changes happening in system operations. I
17 think out of all the departments, right, in New Hampshire,
18 system operations went through the most change. Right? And we
19 were always looking to say, look, if we -- if we're going to
20 put a leader in the group, right, someone who is going to
21 supervise people, then they need to be able to positively
22 communicate changes that are coming through.

23 Because for one we have business changes which are
24 forcing us to change, right? And we have changes just the way
25 we operate. So from a business perspective, right, what I

1 didn't get into in my previous presentation earlier was all the
2 changes that are happening with the distributed generation.
3 That right there has a change on the way we operate the system.
4 And it's going to continue to have a change, right?

5 So we need to be positive about that change. It's
6 very different than having large, central power plants
7 everywhere. We're now going to have dispersed generation. And
8 we're looking to put all kinds of renewables on the system.
9 And that's going to require a change in maybe doing things that
10 we didn't normally do. Right?

11 So we never controlled a battery system, a customer's
12 battery system. Well, you know, look, in the future we may do
13 that, right? And that's a positive thing, right? Because
14 we're not only diversifying the generation for our customers,
15 right, we're also helping to prevent climate change, right? So
16 there's a whole bunch of benefits there. So being able to
17 positively communicate that, even when it's something we're not
18 used to doing.

19 Q. And when it talks about to your team, who are we talking
20 about here?

21 A. Well, you're talking to the individual level 1, level 2
22 operators on their team.

23 Q. Exhibit a can-do attitude to successfully implement
24 changes in priorities and work processes.

25 A. Right. So again this goes right down to you're a

1 supervisor. We expect you to have a can-do attitude. And we
2 expect you to implement changes and prioritize those changes,
3 right? And also the work practices, modify them as required in
4 order to implement those changes.

5 Q. Respond positively to new demands or circumstances.

6 A. Right. Again this goes back to my previous comment,
7 right, about we've got the generation, we've got new demands
8 that are required of us, right, we've got to respond positively
9 to it.

10 Q. The last section here is focus on the customer. ensure
11 that everyone on the team understands our customer promise and
12 provides superior customer service. So again we have that
13 reference to the team.

14 A. Right. And again, right, this is to make sure that we are
15 responding to our customers. Now our customer may not be a
16 retail customer out in the field. It may be other departments,
17 right? It may be how we operate the system to the benefit of
18 our customers, right? But they're our customers, nonetheless.

19 Q. And the last bullet, be a role model for the team on
20 delivering superior customer service. So two points on this
21 one. We have the role model piece of it again and we have the
22 team piece of it again.

23 A. Right. Here again I'll expect this of every supervisor in
24 system operations that they are a role model. They, their
25 actions back up what they say, right? And they have integrity

1 and honesty, and with that will come superior customer service
2 by default. Right?

3 MS. RUGGIERO: And with that it is 5 o'clock on the
4 dot.

5 HEARING OFFICER DURYEA: All right, it is. So as we
6 were saying earlier off the record, we are going to stop for
7 today. And we will return tomorrow morning at 9:15, at which
8 time we're going to be able to only put in a partial day and go
9 to about 12:30 p.m. So, I'm sorry, did you want to say
10 something?

11 MS. RUGGIERO: Same link or will you send a new link?

12 HEARING OFFICER DURYEA: I will send a new link just
13 in a few minutes. Anything else before we close the record for
14 the day? All right. So we will go off the record and see you
15 all tomorrow.

16 (Whereupon, at 5:01 p.m., the hearing in the
17 above-entitled matter was adjourned, to reconvene on Wednesday,
18 April 19, 2023, at 9:15 a.m.)
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CERTIFICATION

This is to certify that the attached proceedings before the National Labor Relations Board, Region 1, via Zoom, in the matter of Public Service of New Hampshire, d/b/a Eversource Energy, Case No. 01-RC-314865, on Tuesday, April 18, 2023, was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the recording from the hearing, that the exhibits are complete and no exhibits received in evidence or in the rejected file are missing.

Michael Marciniak

Michael Marciniak

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OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of: : Case No: 01-RC-314865
PUBLIC SERVICE OF NEW HAMPSHIRE, :
d/b/a EVERSOURCE ENERGY, :
Employer, :
And :
INTERNATIONAL BROTHERHOOD OF :
ELECTRICAL WORKERS, LOCAL 1837, :
Petitioner.

Place: Boston, Massachusetts (via Zoom)
Dates: April 19, 2023
Pages: 200 through 286
Volume: 2

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BEFORE THE
NATIONAL LABOR RELATIONS BOARD
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In the Matter of: Case No: 01-RC-314865
PUBLIC SERVICE OF NEW HAMPSHIRE, :
d/b/a EVERSOURCE ENERGY, :
Employer, :
And :
INTERNATIONAL BROTHERHOOD OF :
ELECTRICAL WORKERS, LOCAL 1837, :
Petitioner. :
-----:

The above-entitled matter came on for hearing pursuant to
notice, before ERIC DURYEA, Hearing Officer, at the National
Labor Relations Board, Region, on Wednesday, April 19th, 2023,
at 9:00 a.m.

A P P E A R A N C E S

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I N D E X					
WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE
Brian Dickie	206	240	--	--	--
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E X H I B I T S

EXHIBITS

IDENTIFIED

RECEIVED

Petitioner's

(None)

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P R O C E E D I N G S

(Time Noted: 9:26 a.m.)

HEARING OFFICER DURYEA: Why don't we go on the record.

COURT REPORTER: On the record at 9:26.

HEARING OFFICER DURYEA: All right. Good morning, everybody. We're back for the second day and we're going to be continuing on with the direct examination of Mr. Dickie.

Before we get started with that, I would like to note that I received, and I believe Mr. Young and the court reporter received yesterday by email, a clean copy of Company Exhibit 10 which you remember we sort of provisionally said that we were going to admit subject to getting a clean copy of it.

So -- so I just want to verify that -- that Mr. Young and the court reporter have gotten that -- got that email yesterday.

COURT REPORTER: I'm sorry, I'm getting feedback from somebody somewhere. Does anyone else hear that?

HEARING OFFICER DURYEA: I am too. Yeah.

COURT REPORTER: There we go.

COURT REPORTER: Thank you.

HEARING OFFICER DURYEA: Okay.

COURT REPORTER: Thank you.

HEARING OFFICER DURYEA: Yeah. So, Mr. Young, did

1 you get -- did you get that clean copy of Company Exhibit 10
2 yesterday?

3 MR. YOUNG: Can I -- I give you a (indiscernible) on
4 the call. I think she sent it to me. I've had so many emails
5 going back and forth. I can't remember. I didn't open it up,
6 but I think Divya did send it to me. Is that right, Divya?
7 I'll tell you what, I'll -- I'll just go into my emails and
8 look.

9 HEARING OFFICER DURYEA: Yeah.

10 MR. YOUNG: That's probably easier. Hold on a
11 minute.

12 HEARING OFFICER DURYEA: I can tell you when that
13 came in yesterday, if that would help.

14 MR. YOUNG: I'm just going to search under Divya's
15 name and that'll call it.

16 MR. CLOUTIER: Sent it at 3:17 p.m.

17 MR. YOUNG: Yeah. I got it. Thank you.

18 HEARING OFFICER DURYEA: Okay. Dan, did you, do you
19 want to review it just to assure yourself that there -- there's
20 none of the highlighting that was the -- the source of the
21 issue?

22 MR. YOUNG: Yeah. I'll just scroll through it
23 quickly, but I have assure to you what she said she was going
24 to do. Yeah. I'm good. Thank you. No objection.

25 HEARING OFFICER DURYEA: Okay. All right. Great.

1 So -- so that -- this clean copy is actually labeled Company
2 Exhibit 10, clean copy, will be substituted for the previously
3 provided Company Exhibit 10. And -- and so that is -- that is
4 received. Okay. I think -- I think now we're ready to go
5 ahead and continue the direct examination.

6 MS. RUGGIERO: Thank you.

7 DIRECT EXAMINATION

8 BY MS. RUGGIERO:

9 Q. Good morning, Mr. Dickie.

10 A. Good morning.

11 Q. Welcome back.

12 A. Thank you.

13 Q. So we ended the day yesterday by completing our discussion
14 of the job description for the RSS. So today I'd like to turn
15 your attention to a discussion about the assignment of work and
16 how the RSSs do that.

17 So can you please describe in your own words how the
18 RSS gives orders or directs orders to other employees and how
19 to engage in their work activities?

20 A. So are you talking planned -- planned work?

21 Q. Well, let's talk -- we'll talk planned work first here.

22 A. All right. So for planned work, right?

23 MR. YOUNG: Hold on, Mr. Dickie. I -- I -- I just
24 want to make it clear because assignment is a term of art under
25 Section 211 that I object to that -- use of that word. If she

1 just asked him how -- how to -- what's the role of the RSSs in
2 -- relative to the work. Something like that.

3 BY MS. RUGGIERO:

4 Q. Mr. Dickie, can you describe for us how an RSS gives
5 orders to other employees to engage in work activities?

6 A. All right. So, you know, on -- on any given day, right?
7 There's a set amount of work that comes into the control room.
8 You know, it's of various types, right? So there -- as we
9 discussed earlier, there's like NRAs, permissions, clearances,
10 right?

11 The NRAs as we discussed, were, you know, kind of
12 smaller in nature work, right? And -- and that type of work,
13 my understanding is, you know, we don't -- we don't necessarily
14 have to sign that to people. That's -- that's put in the desk
15 and they can -- they can do it.

16 It doesn't take long to do the planned work that is,
17 you know, associated with clearances. It's more entailed,
18 right? That work is -- we set it up to be assigned, right?
19 And the RSS is supposed to be assigning that work to the
20 individual operators, kind of breaking it up.

21 And we did -- I -- I know I sent some documentation
22 on that. On, you know, how they're assigning the work, what
23 operator is doing it. Sometimes they give it to the Level 1 or
24 Level 2 operators on shift, and sometimes they keep it for
25 themselves.

1 Sometimes they'll keep it for themselves and take a
2 new Level 1 operator and -- and work with that Level 1 operator
3 to show them how to do a particular job.

4 Q. So -- and if I understand your -- your testimony then,
5 they'll actually use it as a training opportunity with a -- a
6 lower level operator?

7 A. That's correct.

8 Q. Is that part of the expectation of an RSS?

9 A. That's part of the expectation, yeah. So as -- as a
10 supervisor, a frontline supervisor, right? They are, you know,
11 again, developing their people on their shift.

12 Q. Okay. Now, looking at a planned activity, would the RSS
13 take into consideration the scope of a potential outage?

14 A. Yeah. Again, we talked about -- so what I just mentioned,
15 right? A clearance is, you know, typically more entailed. It
16 may not be, but it typically is, right?

17 Q. Mm-hmm.

18 A. And then you got a permission which may be entailed. And
19 NRA is less entailed, right? So, you know, when they're
20 looking at the work, right? That planned work, that's usually
21 associated with a clearance or permission are the ones they're
22 kind of divvying up, they take more time, they have a set time
23 to start.

24 It doesn't mean that an NRA may not have a set time
25 to start, but the NRA is usually less entailed. It -- it just

1 means turning something to not reclose, doing a pre-switch
2 brief with the field person and then executing that switching
3 order. And it -- it's typically there quicker.

4 Q. Mm-hmm. Would the RSS -- again, we're looking at when
5 they're assigning or when they're issuing orders to someone.
6 Would they take into -- into consideration the number the type
7 of customers that would be affected by the outage?

8 A. Yeah. So we -- we always take into account the number of
9 customers, right? So that -- and that's predefined from the
10 outage coordination group, right?

11 Q. So they go in and they'll say, this is how many customers
12 are affected for this particular outage or this particular NRA.
13 And that's already predefined, right? So they -- they know
14 ahead of time, right? How many customers are affected, if the
15 next contingency happens.

16 Sometimes if we get into a -- a system configuration,
17 which has a large number of customers impacted, the switching
18 will be pre-written, right? On how to restore, you know, with
19 that next contingency happening.

20 And that switching will be split up, you know, if
21 it's too entailed for one operator to do, and they'll have --
22 have it on the desk beside them. You know, whether that
23 assignment is given out by the RSS, I don't know.

24 Q. Okay. When you say if the next contingency happens, what
25 does that mean?

1 A. So for instance, say they take a line out and it's
2 predefined, you know, through outage coordination, they look at
3 it and this next line goes out, we're going to drop 20,000
4 customers. I'm just throwing out a number there.

5 Q. Mm-hmm.

6 A. And, you know, could we restore it? Yes. This is what
7 you have to do. There's other lines that can tie into the --
8 pick up the customers. They would predefine what switching
9 orders are needed, what devices to open or close.

10 And they would -- if it's too entailed for one
11 operator, they'd split it up so we could get it under, you
12 know, a certain time requirement.

13 Q. And that's the auditor? He's making that decision.

14 A. No, no, no. So it's done through audit coordination. The
15 audit -- the -- the switching is split up, right? And it's
16 pre-written and it's put on the desk.

17 Now it's given to the operators if it's too much for
18 one operator, and I don't know if the RSS is assigning one
19 operator or the other. They may just say, we split it in two
20 and it's -- it's given to you two. I don't really know.

21 Q. Okay. All right. I wanted to talk about unplanned
22 outages for a minute now. Does the RSS render any judgment
23 about whether a situation calls for an immediate trouble
24 response or whether it can be dealt with as planned work?

25 A. So if -- if there is an unplanned outage, right?

1 Obviously there's usually customers impacted, right? So an
2 immediate response is needed, right? And depending on how big
3 that outage is, you know, if -- if it's going to require, you
4 know, more than one operator to, you know, restore the
5 customers, right?

6 The RSS, the expectation is that they're, you know,
7 standing back and, you know, kind of directing, Hey, you do
8 this, you do that. So we can pick up all the customers if it's
9 too entailed.

10 If it's not too entailed, you know, they would be
11 saying, Hey, you -- you take care of this. I'm acknowledging
12 these alarms and I'm looking at the rest of the system to make
13 sure nothing else is going to happen.

14 Q. So are there certain times when an RSS is expected to
15 reach out to the day shift supervisor or the manager or the
16 director when there's an unplanned event?

17 A. Yeah. So on any unplanned event, right? We -- so we have
18 a standard practice, right? 250 customers or more, right? A -
19 - a CAIDI page is sent out. That CAIDI page goes to everyone.

20 HEARING OFFICER DURYEA: What page, sir?

21 THE WITNESS: It's called a CAIDI page. We call it a
22 CAIDI page.

23 HEARING OFFICER DURYEA: Can you spell that?

24 MS. RUGGIERO: C-A-I-D-I.

25 THE WITNESS: C-A-I-D-I.

1 HEARING OFFICER DURYEA: Thank you. Okay. Thank
2 you.

3 BY MS. RUGGIERO:

4 A. Right. And -- and -- and what we do is we send out this
5 CAIDI page to what we call the reliability group, right? Which
6 includes, you know, all the supervisors and managers, myself,
7 and system operations.

8 It includes all the supervisors, managers, director
9 and field operations. It includes all the supervisors,
10 managers and director and substation operations. It includes
11 all the supervisors and regional managers of engineering and
12 director, right?

13 So those are the reliability group. These are the
14 people we have our morning call with to, you know, discuss the
15 previous day's event, right? So -- and what we're looking for
16 is to make sure everybody is situationally aware, right?

17 And they're, you know, looking at that outage and
18 determining, you know, if -- if they can help and if they need
19 to make sure, you know, they got crews. So it's really, you
20 know, a team effort, right? So -- and again, this goes back to
21 the whole culture change, right?

22 Of the company, right? So we went from a reliability
23 index for New Hampshire, right? Between seven and nine months
24 of -- and every customer either saw seven to nine months of --
25 of interruption -- before an interruption, right? We call it

1 MBI, months between interruption, right?

2 So every customer back about seven years ago had, you
3 know, seven to nine months between interruptions, right?
4 Meaning it's pretty bad, right? Reliability was pretty bad,
5 right? So we, as part of the DA program, as part of building
6 out system operations, as part of focus, again, on liability,
7 initiated a whole slew of processes, right?

8 To engage everyone in the reliability performance.
9 And with that, one of those was the CAIDI page. And years ago,
10 prior to 2017, we were doing outages 25 customers or more.
11 Now, since then, our MBI now is up around 19. We just finished
12 up at 21 months between interruption for our customers, right?
13 Last year was 20.5.

14 And you know, we've increased the CAIDI notification
15 to 250 customers or more. So that -- that notice comes out
16 from the control rooms. And if it's a ESCC outage affecting
17 transmission or -- or 34 KV mainline distribution --

18 Q. Mm-hmm.

19 A. -- they send it out. If it's any other type of outage,
20 whether it's on a 12 KV, a 34 KV circuit, 250 customers or
21 more, the SOC will send that notification out.

22 Q. And when you say the control room, what -- what specific
23 job function sends out that page?

24 A. I -- I think mostly it's the RSS, right? But we'd have to
25 -- you'd have to go through and --

1 Q. Okay.

2 A. I can't -- I can't specifically tell you it's always the
3 RSS, I don't know. My expectation is it's be the RSS.

4 Q. Okay.

5 A. Because the RSS is supposed to be, again, standing back if
6 there's an outage, taking care of the notification that has to
7 go out and, you know, kind of taking the big picture view of
8 what's going on in the system.

9 Q. Is there a way to -- when a CAIDI page comes out, do you
10 know who is the sender of that page?

11 A. Well, yeah. So they come through as -- in fact, I got one
12 last night. They come through as system op CC. It comes
13 through as that kind of page.

14 Q. Mm-hmm.

15 A. Right.

16 Q. So there's no particular person's name on it?

17 A. No, there's no particular person's name. No. It comes
18 through it's system op CC.

19 Q. All right. So once that CAIDI page goes out, if there's
20 an unplanned event, is there an expectation? There would be
21 any other communication?

22 A. There may be. They may -- they may have, you know, they
23 may contact Mark, right? Text Mark or -- which Mark is the
24 manager or the director with a separate page, especially if
25 it's transmission outage, right? We're going to want to know.

1 So even -- any transmission outage, they usually send something
2 out.

3 Q. Okay.

4 A. So then right in a trip and reclose they send out too.

5 Q. What's a trip?

6 A. A trip and reclose is -- remember we talked yesterday
7 about a -- a line that has a reclose function, it will trip, it
8 will open, and then it will reclose back in. So trip and
9 reclose functions are -- are sent out too. And there's a
10 little bit of history there, right?

11 So we had, you know, some years ago a trip and
12 reclose on a right of way line 34 KV distribution and, you
13 know, we didn't patrol it and there was a line down in the
14 right of way. It wasn't down all the way, it was hanging down.
15 No one patrolled it, everybody forgot about it.

16 And there was a -- a child in that right of way a
17 week later and grabbed the line and did not survive. So
18 because of that, we came up with an agreement with the state
19 that we would patrol all circuits that are tripped and
20 reclosed, right?

21 So what we do now is on a trip and reclose,
22 regardless of the time of day, we will send someone out to
23 patrol what we can, right? So that means if it's a right of
24 way line, they patrol the roadside crossings, anything they can
25 see.

1 Obviously you can't get into a right of way in the
2 middle of the night, right? And then on the next available
3 weather permitting day, we'll -- we'll do a helicopter patrol
4 to find that -- that outage and see if we can find the cause
5 because we don't want something like that to happen, right?
6 And, you know, we'll get P and C involved, we'll -- they'll
7 give us a distance to fault based on the relay.

8 Q. What is P and C, sorry?

9 A. Protection and controls engineering, right? So they can
10 interrogate a relay, determine the distance to fault based on
11 the electrical parameters that come back, how much current,
12 what was the voltage profile. And they can come up with a
13 distance to fault, right?

14 And -- and we'll then call a crew and direct a crew
15 to that kind of area to look, you know, for some damage or some
16 cause of the trip and reclose. We usually try to find a cause
17 and we record that information in a non-outage ticket in our
18 outage management system.

19 Q. And who is responsible for coordinating that effort?

20 A. Well, initially it would be the RSS, right? They would be
21 responsible, you know, and, you know, a lot of these times,
22 right? They -- they'll do a patrol if it's a right of way in
23 the middle of the night, they can't get everything, right?

24 So then that'll fall to the day shift supervisor, you
25 know, as discussed earlier, right? They take care of a lot of

1 the follow up actions during the day and they'll pursue it.

2 Q. Got you. So if this -- if it's an -- an off shift, I'll
3 say, you know, so it's overnight or a weekend and there is an
4 unplanned event, who makes the decision regarding getting crews
5 out to the field to address the issue?

6 A. The RSS would make that determination.

7 Q. And does he determine what type of crews go out there?

8 A. Well typically, I'd get a -- troubleshoot if we get a 24/7
9 troubleshoot out there. If not, there's an on-call standby
10 line worker in each area or center and they would call over to
11 the SOC, I need a crew to patrol and, you know, they would get
12 that crew in that area or work center.

13 Q. Who makes the decision about how many crews need to go out
14 there?

15 A. Well, I think that depends on the outage, right? And
16 again, we talked about this, right? They, you know, if you
17 have a troubleshoot, you know, typically, you know, a single
18 person they would go out, first responder, see what kind of
19 damage there is.

20 They would say to the control room, you know, we're
21 going to need three buckets here, you know, send three buckets.
22 However, if it's a larger outage, you know, we've talked to the
23 RSS. Says, look, send two people and primarily a large outage,
24 let's get ahold of the supervisor and make sure they're en
25 route too.

1 Q. And when you say the supervisor, who are you referring to?

2 A. Oh the field operations supervisor in the area work
3 center.

4 Q. So if -- if someone in the field, if a line worker or a
5 troubleshoot calls in and says to the operator at RSS, you
6 know, I think I need five more guys out there, can the line
7 work himself call those five additional line workers?

8 A. You know, the supervisor may, but no, that -- that would
9 go through the control room. Okay. And the control room would
10 make that. Now, the control room wouldn't override the field
11 people. Or if they're saying they need five crews, they would
12 get five crews, right?

13 We may say no, we think you should -- we need seven,
14 right? Because you got a lot of work and we -- we don't want,
15 you know, two hours. Wait two hours to get this thing going,
16 right?

17 Q. But the bottom line is that the -- the line worker or the
18 troubleshooter can't actually call in additional crews. That
19 has to come in through the RSS?

20 A. That -- that usually comes in for their -- for their
21 jurisdiction. It would come in through the RSS, right? And
22 the RSS would call the SOC and get the required crews.

23 Q. Okay. What time -- if you know, what time do line workers
24 start their shift?

25 A. So they start at 7:00 a.m. and they were till 3:30.

1 Troubleshooters have a different schedule, right? So
2 troubleshooters work -- the day shift works from 6:00 a to 6:00
3 p. Then we have a mid-shift crew that works from 10:00 p to --
4 or 10:00 a to 10:00 p, and a night shift crew that works from
5 6:00 p to 6:00 a.

6 Q. So let's assume for the sake of argument, a trouble call
7 comes in at 5:00 a.m. Can the RSS make a determination about
8 waiting to call crews based on when the shifts start and end?

9 A. I am --

10 MR. YOUNG: Are you talking -- are you talking about
11 during the day or weekends or -- I'm not sure what -- when
12 you're --

13 MS. RUGGIERO: Sure.

14 MR. YOUNG: Because we've switched back and forth.
15 I'm --

16 BY MS. RUGGIERO:

17 Q. Yeah. So we'll take -- we'll talk about them all. During
18 Monday through Friday and a trouble call comes in at a certain
19 time. Let's do any certain point. Can the RSS make a
20 determination about whether or not to call in?

21 A. Yeah. So it -- it depends on the outage, right? So if
22 there's a -- if there are customers impacted, right? We're
23 going to want to restore the customers.

24 That's what we're here for, right? But we have
25 sections of the line that don't have any customers, right? You

1 -- you isolate between two sections and there's no customers
2 impacted. In those cases, you may wait.

3 Q. And what about if it's -- if it's 12 o'clock in the
4 afternoon and there's a day shift supervisor present, the RSS
5 can make that determination?

6 A. Yeah. Typically if it's in the middle of the day, we're
7 going to, we got people here, we're going to go do it, right?
8 And again, the -- the previous discussion right on, you know, a
9 trip and reclose event and we got to make sure we know, you
10 know, what the problem is because we don't want a wide hanging,
11 like I discussed with -- with a line in the right of way.

12 I mean, we would be hesitant to just leave something
13 without patrolling it, right? Now, it doesn't mean, you know,
14 once we've isolated it and we know it's okay that we wouldn't
15 leave it for a while. And we do that on storms all the time,
16 right? We have rights of way section, pieces of it go out, and
17 we don't go fix those right off.

18 We isolate it and make it safe, right? And we go
19 repair -- restore customers and then go back to, you know, that
20 downed or open section of wire.

21 Q. So switching gears a little bit, if an RSS determines
22 field employees do need to go out to -- and there are field
23 employees there, I think you -- you may have already referenced
24 this yesterday. If a field employee is on site and says, I
25 need to go, can you just leave?

1 A. No. So the RSS would say, no, we need to repair this
2 line. Now, the RSS isn't concerned about that individual
3 employee. Another qualified employee can do the work, but the
4 RSS would say, no, we need to get, you know, this going. We're
5 not going to leave it -- leave it off.

6 Q. Now, what if a field employee is working on a planned job
7 across the board, any job, non-job emergency comes in, can the
8 RSS redirect that field employee?

9 A. Yeah. So we've had that happen on occasion, right? So
10 say they're -- say they're on, you know, a downstream event,
11 right? In working and then all of a sudden the source side of
12 that downstream event goes out, you know, it doesn't make any
13 sense to stay working on that downstream event.

14 They would redirect those crews to the upstream event
15 to get the source going and then go back to the downstream
16 event.

17 Q. So in that regard, does the RFS have any say in the
18 sequencing of field employees' jobs?

19 A. Certainly. Yeah. So -- and -- and also, right? I mean
20 the RSS would have -- so we talk about transmission out, you
21 know, taking a plant outage, right? You may have, right?
22 You're taken out between two substations and there's 20, 30
23 miles between those substations, right?

24 And you write it a certain way, take Station A side
25 out first and then B side out second. But then the field

1 electrician, who's going to be doing that switching says, Hey,
2 I'm closer to the B side section. You know, why don't I just
3 start here? The RSS has that authority to say, yeah, go ahead
4 and start there and then we'll go to VA side substation. And
5 that's out of sequence from the written switching order.

6 Q. So if -- if there is a situation like that where it's out
7 of sequence, does an order have to change back in the control
8 room?

9 A. No, they don't have to change it. They -- they just say
10 we're going to start here. And I don't believe a change is
11 required. You know, the requirement on ESOP 100 is I believe
12 chronological order, right? So if -- if it needs to be in a
13 chronological order, you can't change that.

14 But if you're taking out one substation versus
15 another and one doesn't impact the other, then you don't have
16 to do that in the chronological order. You can start at one
17 substation and then go to the other or vice versa.

18 Q. And what if in the course of the job changes and the field
19 worker supposed to do Steps 1, 2, and 3, something happens in
20 between and there's a change, what happens then?

21 A. Well, can you repeat that?

22 Q. So there -- I imagine once the field worker is out there,
23 there are specific steps that we would assume have to take
24 place.

25 A. Mm-hmm.

1 Q. But there's some unforeseen event that happens. What
2 happens in that situation?

3 A. Yeah. The switching order would need to change, right?
4 The -- the Level 1, Level 2 operator who's doing that switching
5 would document that change.

6 The -- the supervisor, the -- the regional shift
7 supervisor or I'm sorry, the -- the super -- the rotational
8 shift supervisor would need to sign off on that change in the
9 switching order. They would initial it.

10 Q. You mentioned the term yesterday, I just want to make sure
11 that we understand what it means. You mentioned the term stiff
12 restoration. Can you explain what stiff restoration is?

13 A. Yeah. So --

14 MR. YOUNG: Angela, could -- I didn't get -- fixed
15 operation. Is that what you said?

16 MS. RUGGIERO: Yeah.

17 MR. YOUNG: Step --

18 MS. RUGGIERO: Restoration.

19 MR. YOUNG: Thank you.

20 MS. RUGGIERO: Mm-hmm.

21 BY MS. RUGGIERO:

22 A. So step restoration is the act of picking up customers
23 prior to making permanent repairs, right? So, you know,
24 envision if you will, you know, a radial line, right? That has
25 a source and an end. And then we have DA devices in that line.

1 We can remotely control.

2 We isolate, you know, towards -- closer to the -- we
3 isolate down as much as we can. In between any two devices.
4 There could be manual disconnect switches that are there,
5 right? That we would direct the field crews. Look, we're not
6 going to go do the permanent repairs.

7 We're going to get as many customers going. We're
8 going to send you to these disconnects. You're going to open
9 them, restore customers up to those disconnects to the point we
10 can't go any further because we'll get into the -- the -- the
11 zone where permanent repairs need to be made and, you know,
12 that's called step restoration, right?

13 We could say there's disconnects there. We could
14 tell them, hey, we want to put in some floaters which are line
15 isolating devices. You actually clip the line and tie the
16 insulated device in so you can energize up to that point,
17 right?

18 And -- and then they can go do permanent repairs once
19 we've restored as many customers as we can, whether that be --
20 whether that's through manual switching or installing some
21 insulating devices in the line to create an opening.

22 Q. So is that predominantly during a storm where we would see
23 that?

24 A. No, you could see that anytime, any outage.

25 Q. And is that something that -- would the RSS make the

1 determination to engage in step restoration over a different
2 type of activity?

3 A. The RSS would be involved in that discussion, right? So
4 they would be saying, look, we had a lot of customers out. We
5 really need to, you know, go step restoration. You know,
6 there's some disconnects here. Let's see if we can get them to
7 cut in some floaters. All right. That kind of discussion.

8 THE WITNESS: I think you're frozen, Angela.

9 MS. RUGGIERO: Can you hear me?

10 THE WITNESS: Oh, you're back now? Yeah.

11 MS. RUGGIERO: All right. I froze. I -- I think I -
12 - well, you-all were frozen on my screen. And I'm getting a
13 note that says my internet connection is unstable. All right,
14 so I don't -- did you answer the -- the question because I
15 couldn't hear you.

16 THE WITNESS: I -- I did, yeah. You want me, do you
17 want me to say it again?

18 MS. RUGGIERO: Can we have it read back? Is that
19 appropriate?

20 COURT REPORTER: I believe the -- I believe Mr.
21 Dickie's response was the RSS would determine and then -- and
22 then after that he said, I think Angela's frozen.

23 Q. Okay. All right. So the RSS would determine?

24 A. Yeah. So say -- say the question. Say the question again
25 now.

1 MS. RUGGIERO: Can you read the question back?

2 COURT REPORTER: Can you -- just one moment, please.

3 HEARING OFFICER DURYEA: Michael, can you repeat that
4 question?

5 COURT REPORTER: Yes, I am. I think -- one minute.
6 Thank you so much.

7 HEARING OFFICER DURYEA: Sure. You just want to
8 restate your question?

9 COURT REPORTER: Almost there. (Indiscernible)

10 BY MS. RUGGIERO:

11 Q. I think there was testimony you stated if a -- if a field
12 employee was on site and had to leave, could he fall into the
13 control center and talk to an RSS?

14 A. Yeah. I don't think -- I don't think that was the last
15 question, but yeah. So if they had to leave again, the -- the
16 RSS, you know, it's their judgment, you know, to say we got to
17 repair this, right?

18 And, you know, they're not concerned about the
19 individual employee that needs to leave as long as they get
20 someone qualified to do that work. That would be all we, you
21 know, they would care about.

22 Q. Does an RSS have -- have the ability to keep field
23 employees in the field such that they would be paid overtime?

24 A. Yeah. I mean, if they're -- so employees are called out,
25 right? The RSS would have that ability to keep them there

1 until whatever is repaired is repaired.

2 Q. Is the RSS -- is the RSS informed in any way that they do
3 have the power to require field employees to stay on a job on
4 overtime?

5 A. Yeah. I mean, we don't, you know, we don't really get --
6 well -- so I would say we don't get involved with whether it's
7 overtime or not, we're worried about the system, right? So,
8 yeah. So the RSS would, you know, I don't think it - it comes
9 into their mind or they're getting paid overtime.

10 I can't keep them here, right? They -- they're
11 worried about restoring the system, right? And restoring
12 whatever piece of equipment, you know, at the time we, you
13 know, we -- we need it back.

14 Q. So if I could, I would like to draw your attention to
15 Company Exhibit 5. I'll share my screen with you. Do you see
16 the condition description on the screen?

17 A. Yeah.

18 Q. All right. So reading that fourth bullet, authorized --
19 authority to mobilize additional resources as necessary to
20 respond to abnormal system conditions. Is that your
21 understanding that that bullet enables them to keep employees
22 working even if they incur overtime?

23 A. Oh, yeah, most definitely, right? And again, right? The,
24 they're, you know, to respond to abnormal conditions, right?
25 So then again, they're not worried about whether someone's on

1 overtime or not.

2 They're worried about the abnormal system condition,
3 right? And that's their authority to get whatever resources
4 are needed to take care of that abnormal condition.

5 Q. Mm-hmm. And is the RSS informed in any way that they have
6 the power to order field employees to conduct their work at a
7 specific place?

8 A. Yes. So they would know where the location is, where
9 whatever the problem may be, and they would direct him to that
10 location. It's part of, it's part of switching, right? We, on
11 the switching orders or whether it's a fault condition, we
12 determine the location that they go to.

13 Q. And would the same hold true for the operators themselves
14 in a situation where we have to evacuate and report to the
15 backup site?

16 A. Yeah. So I mean, there's the backup site, the RSS would
17 make the determination we need to vacate. They would
18 coordinate that effort. There's a goal bag that the RSS would
19 grab and maybe delegate that and say, you know, this Level 2
20 operator, you grab the bag, right?

21 And then they would go to the backup control room.
22 They may send someone, you know, ahead of time, they may, may
23 that determination, Hey, go to the backup control room, we'll
24 be right behind you. Go start firing up all the computers and
25 getting everything ready and little behind you.

1 Q. And we've seen a lot of ops and ESOPs over the last two
2 days. So fair to say that there are symptoms, manuals, and
3 operating procedures that pertain to the RSS and the control
4 room; is that fair?

5 A. Yeah, I think, you know, look, with any job, right? You,
6 you have procedures and, and you know, documents on, on any job
7 that there is, right? And that, you know, to, and that's to go
8 over and explain the most common things that, that happen to
9 provide some guidance, right?

10 But the -- the people that work for you are not input
11 output machines, right? If they were, you get a computer to do
12 that, right? Or you create a computer program to do the input
13 output, you're -- you're -- you're paying people to take
14 information that sometimes is not clear and to make a judgment
15 on that information, right?

16 And to render judgment and to execute, you know,
17 whatever it is you have to, based on the unclear information
18 you get and most information is unclear, let's face it, right?
19 The clear information is easy, right? That's why we have
20 procedures, right?

21 But most of the information that comes in is not
22 clear. It's not one plus one equals two, it's one plus two
23 equals five, right? And -- and that's what human beings do.
24 And that's why you have supervisors who are usually more
25 experienced, more adept at taking information and coming up

1 with an abstract answer that's more correct, right?

2 And that's why you have a supervisor on shift, right?
3 To take and make -- take that information, help the people that
4 are working for them make the proper decision, right? Based on
5 this, you know, abstract information, some of it, some
6 information we know is no good.

7 They know it's not needed, it's too much information
8 and you have to ignore it, right? So they make that
9 determination based on, you know, their experience, based on
10 their judgment, you know, based on how they know about the
11 operating characteristics of the system, right?

12 If -- if I could get a simple input output machine to
13 do all that, I'd build one. And I'd say, I don't -- I don't
14 need to hire a person. But we don't have that, right? You
15 have to have human beings to do that.

16 Q. So just a -- a couple other questions. We're almost done,
17 I promise. Are the RSS in any way held for deficiencies in the
18 work that might occur from time to time amongst operators that
19 they give assignments to?

20 A. Yeah. So obviously there is, right? So if something goes
21 awry, right? We would also talk to the rotational shift
22 supervisor. And we did have this occasion happen and it
23 happened, I want to say three years -- two years ago, three
24 years ago.

25 It was during COVID anyway, but, you know, an

1 operator didn't tag something properly and it got to the next
2 shift and the next shift didn't catch it and someone went to
3 work on the field without it being properly tagged.

4 Now, you know, we held the operator accountable, but
5 we also held the RSS accountable and we talked to that person
6 and we gave them, you know, much coaching about it.

7 Q. Okay. So on the subject of -- do the RSSs have any role
8 in disciplining operators?

9 A. So, I mean, they would obviously in real time have the
10 ability to remove an operator, you know, if they're not, you
11 know, up -- if they're not up to the task, right? Or if
12 there's a switching error, they could tell -- they would tell
13 that operator, you're not going to be doing anything tonight.
14 You're going to be standing aside here and we're going to
15 operate the shift.

16 You know, as far as disciplining, you know, it
17 depends what you mean by disciplining, right? So obviously
18 coaching, we've already seen that they do coach, right? Which
19 is a form of discipline, right? The, you know, correcting a
20 behavior, right?

21 Is a form of discipline. If it gets to a level that,
22 you know, is more severe, right? That typically would go to HR
23 and HR would take the appropriate steps that are usually, you
24 know, escalate depending on what the severity of the event is.

25 Q. And -- and is that that's true across all of the

1 Eversource operating companies, correct?

2 A. That's exactly -- that's right.

3 Q. So the issuance of the discipline itself would not come
4 from management; is that correct?

5 A. Exactly, right? So, you know, all kinds of people get
6 involved with discipline, right? I mean, because it goes on
7 employee records, stays with their record, right? And -- and
8 typically HR is involved with that.

9 Q. And when HR issues that discipline, is the RSS part of the
10 discussion?

11 A. The RSS would be part because they would -- they would be
12 the one that noticed what happened or was there when it
13 happened and they would be part of that discussion.

14 Q. Okay. And does the compensation structure for the RSS --
15 you've already spoken about compensation being partly based on
16 performance; is that correct? The merit?

17 A. I -- I'm having a hard time hearing you, but --

18 MR. YOUNG: Yeah, I didn't hear it either.

19 BY MS. RUGGIERO:

20 Q. You testified yesterday that the compensation was based in
21 part on performance, whether that was the bonus or the merit
22 increase. Do you recall that testimony?

23 A. Yes. Yeah.

24 Q. Okay. So fair to say then that if there were issues that
25 you spoke about earlier, such as the tagging incident, would

1 that have an adverse impact potentially on the RSS's
2 compensation?

3 A. It -- it could have, right? So, again, when we look at
4 overall performance, right? And we look at -- at least me,
5 right? So when I look at overall performance and say we had
6 something we didn't like happen, right?

7 And we talked to all the employees, you know, if it
8 continues to happen that -- that's when you're going to take
9 more note of it and that's when you're going to have
10 repercussions, right? If something happened like anything
11 else, right? And, you know, hey, everything's good now,
12 there's no recurrence, you know, behavior and attitudes are
13 corrected, right?

14 Then, you know, you don't hold -- you don't, you
15 know, keep whipping people, right? You -- you move on, right?
16 So it depends on, you know, the going forward attitude, if you
17 will, right? On whether or not that -- what -- what impact it
18 would have.

19 Q. Do the RSS in any way provide input into the reviews of
20 other employees?

21 A. Yeah. So they, you know, obviously right now the -- the
22 shift supervisors write to reviews, but the RSSs would provide
23 input to those day shift supervisors for the operators on their
24 -- on their team.

25 Q. And -- and would that include both objective and

1 subjective feedback?

2 A. Oh, certainly

3 Q. Do the RSSs, you've spoken about training, sort of on the
4 job training. For example, you referenced just a little while
5 ago, if an RSS is writing script, they may take a Level 1 with
6 them and use it as a opportunity.

7 A. Mm-hmm.

8 Q. Is there any more formal training that the RSS is engaged
9 in with the operators?

10 A. Yeah. So, you know, each operator has a qual card, what
11 we call qual card, which is the vernacular for a qualification
12 card, right? And in that qual card, there's specific things
13 listed that, you know, a Level 1 operator needs to do to get to
14 a Level 2, right?

15 And, you know, they would be engaged, right? In that
16 qual card and sign off. Now, Level 2s can sign off on that
17 card, right? But if they're -- when -- when they go -- if you
18 go from a Level 1 to a Level 2, there's two components to
19 achieving that level.

20 There's a verbal and then there's a -- a written or a
21 simulated, right? Test if you will, right? So the RSS would
22 be involved with, you know, coaching the Level 1 on the verbal,
23 Hey, this is, you know, what you got to think about when you're
24 going through the verbal, this is how you want to answer these
25 kind of questions.

1 And they would be involved in that training. On the
2 qual card, on the simulation, they could also be involved with
3 signing the card off, right? To say, I agree, they -- they met
4 this requirement and I'm going to sign off on this card.

5 Q. Okay. Are you aware of any meetings that the RSSs attend
6 that are exclusively for supervisory personnel?

7 A. Yeah. So we have monthly meetings. We'll say, you know,
8 we had a lot of storms and in the spring here, so I don't know
9 if they did it every month, but they do it monthly when the
10 group first started, right? You know, we were trying to get
11 the point across, right?

12 On how to be a supervisor, right? And, you know,
13 there were many instances that were happening on shift and that
14 we didn't like. And, you know, we felt that they weren't, you
15 know, performing up to the expectations that we wanted, right?

16 So we -- we had a -- at a point there and, you know,
17 we were doing weekly meetings, right? With the RSSs, right?
18 And, you know, that trailed off a little bit, right?

19 We're not doing it every week now, but they are doing
20 it monthly. And it's a separate meeting with the RSS, with
21 Mark, with the day shift supervisors, and with Dave.

22 Q. So I want to back to up a second. You said we were doing
23 weekly meetings with the RSS. Who is the we?

24 A. Oh, we -- so again, the people I just named, so there was
25 Dave Cordier, Mark Dionne --

1 Q. The director of the --

2 A. Day shift supervisor, and the RSSs. Now, when we're doing
3 those weekly meetings, I attended a couple. That was back when
4 I was the director, right? You know, but I haven't -- I
5 haven't gone to any, you know, since I've made Vice president.

6 Q. And how long do those meetings go on? Excuse me.

7 A. I don't. I think they're scheduled for an hour, but I -- I
8 it's not clear to me, right? I don't know because I don't go
9 to them, right? So --

10 Q. No. I'm sorry, let me rephrase that. Do you know for how
11 long the weekly meetings were scheduled? In other words, how
12 many weekly meetings go on for how many months? A year?

13 A. I don't recall. I don't -- I don't recall, Angela.

14 Q. All right. But at some point they went --

15 A. They -- they went on for a while. I just don't recall.

16 Q. And at some point those went from weekly meetings to
17 monthly meetings?

18 A. That's correct.

19 Q. And absent storms or unplanned events, is it your
20 understanding that those meetings still happen?

21 A. Yes.

22 Q. And those meetings again are for the RSSs, the DSSs, the
23 manager and the director?

24 A. No. So that meeting is for the -- yeah, the RSSs, DSSs,
25 the manager, and the director, right. And it's to discuss, you

1 know, team performance, what's going on. Hey, we had a -- they
2 -- they'll discuss, for instance, if there was an outage
3 somewhere, we could have done something better, right?

4 They'll discuss the nuance of that. Is to discuss
5 any personnel issues, right? That'll come up, right? That
6 kind of thing.

7 Q. Okay. Do you know whether or not the RSS is, are provided
8 any training exclusively for supervisory personnel?

9 A. Yeah. So we did offer to all the RSSs, the Dale Carnegie
10 courses.

11 Q. Mm-hmm.

12 A. Some of them did them, some didn't. It was -- it was here
13 or there, right? But they were offered to take those courses.

14 Q. And were the operators offered those courses as well?

15 A. No.

16 MS. RUGGIERO: If I could just have a moment, I may
17 be done.

18 HEARING OFFICER DURYEA: Okay. Sure.

19 MS. RUGGIERO: You know what, can we just take a --
20 can we break maybe 10 minutes?

21 HEARING OFFICER DURYEA: Sure. We can break for 10
22 minutes. It's 1020 hours, back at 10:30?

23 MS. RUGGIERO: Thank you

24 HEARING OFFICER DURYEA: So off record.

25 COURT REPORTER: Off the record at 10:20.

1 (Brief Recess at 10:20 a.m./ Reconvened at 10:59 a.m.)

2 COURT REPORTER: Back on the record at 10:59.

3 Q. Welcome back, Mr. Dickie. Just a couple follow up. You
4 were speaking earlier about a Level 1 operator progressing to a
5 Level 2 operator. Do you recall that testimony?

6 A. Yes.

7 Q. All right. Is it fair to say that a Level 1 operator
8 cannot progress to a Level 2 operator classification without
9 the endorsement of the RSS?

10 A. Yeah. So the RSS would have, you know, considerable sway
11 on whether someone can progress or not. Right now, you know,
12 it depends if that person is always on their shift.

13 Obviously, there's some in and outs on the shift
14 sometime, but the RSS is really the person that works with the
15 people on that shift, would have the most knowledge of how
16 those people can -- what their skillset is and would have, you
17 know, very much the ultimate say, right?

18 Whether or not they -- they could progress, right?
19 Now, they may get questioned and say, well, what about this,
20 what about that? Like anybody else, right? But they would
21 have considerable sway on -- on whether or not that person can
22 progress.

23 Q. Are you aware of any instances where someone didn't
24 progress from a Level 1 to a Level 2 because of the feedback of
25 an RSS?

1 A. I know -- so I know some people have been held up. I
2 don't know the -- I don't know the particulars of why. I -- I
3 don't know.

4 MS. RUGGIERO: Thank you. I have nothing further.

5 HEARING OFFICER DURYEA: All right. Mr. Young, are
6 you ready to begin cross examination?

7 MR. YOUNG: Could I have just a couple of minutes to
8 get my notes in front of me?

9 HEARING OFFICER DURYEA: Yeah. Of course. Do you --
10 do you want to go off the record to do that?

11 MR. YOUNG: Actually, I think I'm good here. Let me
12 just --

13 HEARING OFFICER DURYEA: Okay.

14 MR. YOUNG: Before -- I -- I was having some problems
15 before we go. Are we off the record right now?

16 HEARING OFFICER DURYEA: We can go off the record.
17 Off the record.

18 MR. YOUNG: We can go off, okay.

19 COURT REPORTER: Off the record at 11:01.

20 (Brief Recess at 11:01 a.m./ Reconvened at 11:02 a.m.)

21 HEARING OFFICER DURYEA: Okay. So back on the
22 record.

23 COURT REPORTER: Back on the record. 11:02.

24 HEARING OFFICER DURYEA: All right, Mr. Young, we're
25 getting you ready to begin cross examination?

1 CROSS EXAMINATION

2 BY MR. YOUNG:

3 Q. Yes. Good morning, Mr. Dickie. My name is Jeffrey Neil
4 Young, and I am the attorney for IBW Local 1837. I have up on
5 the monitor Union or Petitioner, excuse me, Exhibit 2. That's
6 an organizational chart that's been admitted already into
7 evidence. Do you have that? Can you see that okay?

8 A. Yes.

9 Q. Okay. So I just wanted to -- so looking at Petitioner
10 Exhibit Number 2, you see at the bottom of the exhibit the name
11 of Aaron Rossi?

12 A. Yes.

13 Q. And Mr. Rossi is a shift supervisor, correct?

14 A. That's correct.

15 (Petitioner's Exhibit 2 is identified.)

16 Q. Okay. And just for the record, I am going to use the term
17 shift supervisor, not rotating shift supervisor. Do you know,
18 by the way, Mr. Dickie, if the term rotating shift supervisor
19 is used by either the shift supervisors or the operators to
20 refer to the individuals who hold a position similar to that of
21 Mr. Rossi?

22 A. So, no. We -- we use it, right, to differentiate because
23 the name -- the naming convention I think, which we've
24 mentioned, right, is very close.

25 Q. I -- I agree with that. I got it. But -- but in terms of

1 what the nomenclature is that is actually used day to day on
2 the floor is shift supervisor and OP is shift supervisor,
3 correct?

4 A. Right.

5 Q. Okay.

6 A. But --

7 Q. All right. So --

8 A. There may -- there may be some -- there may be some
9 internal slang used. I'm -- I'm not sure, right? But you
10 know, what you show there, you know, supervisor shift
11 operations is what their title is.

12 Q. Right. And -- but Mr. Rossi is what I'm -- is shift
13 supervisor or what you've termed an RSS, correct?

14 A. Right. That -- that's correct, yeah.

15 Q. Okay. Good. We're on the same page here. So looking the
16 -- looking up the chain of command, this next level that Mr.
17 Rossi would report to is -- is Mr. Grady, correct?

18 A. Correct.

19 Q. And Mr. Grady's formal title here on the document is
20 Senior Supervisor Transmission, I don't know what DISP stands
21 for Transmission System Operation. Do you see that?

22 A. Yeah. I -- I think the DISP is a dispatcher.

23 Q. Dispatcher.

24 A. Yeah. I think that's what it says. Right. But -- yeah.

25 Q. And -- and on a more common parlance is Mr. Grady referred

1 to as day supervisor? I think Ms. Ruggiero's used the term
2 DSS.

3 A. Yes. That's right.

4 Q. Okay.

5 A. That's correct.

6 Q. So -- so that's who Rossi reports to, correct?

7 A. Correct.

8 Q. Okay. And then looking further up the hierarchy, and I
9 think you've already testified to this, Mr. Grady would report
10 to Mr. Dionne, correct?

11 A. That's correct.

12 Q. And Mr. Dionne's the manager, correct?

13 A. That's correct.

14 Q. And then Mr. Dionne reports to Mr. Cloutier, correct?

15 A. That's -- that's correct.

16 Q. And he's the director? He's the director, correct?

17 A. That's correct.

18 Q. And then Mr. Cloutier reports to you as the vice
19 president, correct?

20 A. That's correct.

21 Q. So looking at this chart that you are basically by -- in
22 count right, four levels removed from Mr. Rossi, the shift
23 supervisor; is that right?

24 A. That's correct.

25 Q. There's -- there's three intervening levels between you

1 and Mr. Rossi?

2 A. Correct. Well, I mean, so -- yes. And if you look at,
3 you know -- you know what they do, right? So they're on the
4 rotation, the day shift supervisor, the RSS right, is in charge
5 of the shift.

6 You know, the day shift supervisors are in charge of,
7 you know, administration and -- and assisting, you know, the
8 crews with follow up work and whatnot. But from a reporting
9 perspective, yes.

10 Q. Okay. It's open to question whether the RSS is in charge
11 of the day crew, but from a reporting perspective, you agree
12 that you're four levels removed from Mr. Rossi, the shift
13 supervisor, correct?

14 A. Correct.

15 Q. Okay. Thank you. All right. I'm going to next show you
16 Petitioner's Exhibit Number 1, and let me get that up on the
17 screen. Okay. Do you see Petitioner's Exhibit 1, sir?

18 A. No, I don't.

19 MR. YOUNG: Can others see it? It's on my screen.

20 HEARING OFFICER DURYEA: I do not see it.

21 MR. YOUNG: You do not see it. Okay. Let me try
22 again. Oh, can you see it? I have to hit share. I think
23 that's the problem. Can you see it now?

24 A. Yes.

25 Q. Okay. Sorry about that. I didn't hit the share. So

1 looking at Petitioner Exhibit 2, this is similar to Petitioner
2 Exhibit 1, except that it's the reporting chain for Mr. Von
3 Koss. Do you see that?

4 A. Yes.

5 (Petitioner's Exhibit 1 is identified.)

6 Q. So once again, Mr. Von Koss, his person that he reports to
7 is Mr. Messier; is that correct?

8 A. That's correct.

9 Q. And Mr. Messier in the vernacular is a DSS, correct?

10 A. That's correct.

11 Q. Or day -- a day shift --

12 A. Day shift.

13 Q. Okay. And he actually holds the same title as Mr. Grady,
14 correct?

15 A. No, no. So Ron -- Ron Messier is a supervisor. He's not
16 a senior supervisor.

17 Q. Okay, Mr. Mess -- let's try it this way then. Mr. Messier
18 is a day shift supervisor, correct?

19 A. That's correct.

20 Q. Mr. Grady, I think you've already testified, is also a day
21 shift supervisor, correct?

22 A. Right. But he -- he's a senior supervisor, so there is
23 some differentiation there.

24 Q. It's a little difference, but they both hold the same --
25 roughly the -- they're in the same level on the chain of

1 command. Is that fair to say?

2 A. Well, they -- yeah. So they work the same shift, right?

3 So they work a -- they work the day shift.

4 Q. Okay.

5 A. Right.

6 Q. And there's -- there's -- okay. And then Mr. Messier then
7 reports to Mr. Dionne, correct?

8 A. That's correct.

9 Q. And that's who Mr. Grady also reports to, correct?

10 A. That's correct.

11 Q. And then everything then up to you is the same for the
12 shift supervisor, Mr. Rossi and Mr. Von Koss, correct?

13 A. Correct.

14 Q. Okay.

15 A. But on that chart, yes, correct.

16 Q. That chart. So again, with regard to the operator here,
17 the OP -- the operator is four levels removed from you in the
18 reporting chart; is that correct?

19 A. So the operator, you know, again, and I -- I talked about
20 this on --

21 Q. I'm just asking --

22 A. Excuse me?

23 Q. I'm sorry, I interrupted. Go ahead. Although I think you
24 are going to give me a non-responsive answer. Is the -- I'll
25 try again. Is the -- is Mr. Van Koss four levels removed from

1 you in the reporting chart that's contained in Petitioner
2 Exhibit 1?

3 A. Yeah. So I -- I would say on that org chart, yes.

4 Q. Okay. Thank you. And yesterday we looked at an exhibit
5 that showed how the various teams were composed. Do you
6 remember that?

7 A. Yes. Are you talking about the org charts that the
8 Company submitted?

9 Q. Yes. And --

10 A. Yes.

11 Q. And it showed that there were six teams and the schedules
12 that the six teams go through in the control room on the ESCC.
13 Do you recall that?

14 A. You're talking about -- so I don't -- no, I don't know
15 which one you're talking about, right. So --

16 Q. Okay.

17 A. There was -- there was -- there was an org chart and then
18 there was a schedule chart. So I don't -- I'm not sure which
19 one you're --

20 Q. Talking about this -- let -- let me try it this way then.
21 Sir, there are -- I think we've already established that there
22 are 18 operators, correct?

23 A. There are -- yeah. 18. Let's see -- let me just make
24 sure. 18 operators, six rotational shift supervisors. Yes,
25 that's regarded.

1 Q. Right. Okay. And those 24 personnel are divided into
2 different teams of three or four individuals for purposes of
3 scheduling, correct?

4 A. Right. They're -- they -- yeah. So the rotational shift
5 supervisor, each has a team and the operators are separated
6 into six teams.

7 Q. Okay.

8 A. Some have -- some have four, some have -- have three.
9 Yeah.

10 Q. Okay. That's what I was saying. And do -- if you know,
11 do you recall that Mr. Rossi and Mr. Van Koss are part of the
12 same team?

13 A. I -- I don't know that. I'd have to see it on the chart.
14 I don't know if they are or not. I don't know that.

15 Q. Okay. All right. Let me then -- thought you would know
16 that, but if you don't, you don't. Let me go back and bring up
17 the Company exhibit that has the team on it. Give me a moment,
18 please.

19 MR. YOUNG: Angela, do you -- just to speed things
20 up, do you remember what that is?

21 MS. RUGGIERO: Company Exhibit 4.

22 MR. YOUNG: 4. Okay.

23 Q. You have the Company Exhibit 4 now. Is that visible to
24 you, sir?

25 A. Yes. Yes, it is.

1 Q. Okay. And if you roll down to page -- I think this is
2 actually still on Page 1, but towards the bottom of the screen,
3 it lists the six different teams. Do you see that?

4 A. Yes.

5 Q. And that shows, do you see Mr. Rossi's name the fifth one
6 down?

7 A. Yes, sir, I do.

8 Q. And to the right of Mr. Rossi's name are two individuals,
9 Mr. -- I won't say Mr. Van Koss and Studley. Do you see that?

10 A. Yes.

11 Q. So do you agree then that Mr. Von Koss is part of the same
12 team as Mr. Rossi?

13 A. Yes. According to this chart, I would say yes.

14 Q. Okay. So just for purposes of what we've looked at before
15 in terms of the chain of command for purposes of reporting,
16 then Mr. Von Koss does not report to Mr. Rossi, correct.

17 A. So I would say that, you know, the, when you say chain of
18 command, right? That there are dotted lines in these org
19 charts that don't show up. And the Level 1, Level 2
20 supervisors under the rotational shift supervisors is there's a
21 dotted line there that they report up to. Now the chart,
22 right?

23 The org chart that you had previously up there, which
24 show who's writing the review, right? And obviously, the RSS
25 does have some input into that review. It also shows, you

1 know, the work data, it's the Workday chart. It shows who's
2 approved their time.

3 And that time, you know, is predicated on Workday and
4 Workday, you know, would determine who is, you know, proving
5 their time. But from, you know, a reporting standpoint, my --
6 my expectation right?

7 Is that the Level 1, Level 2 operators, you know,
8 would report up to the regional or the rotational shift
9 supervisor. So we -- so we can call that a dotted line,
10 whatever.

11 But that -- that would be my expectation. Does that
12 mean they can't go to, you know, in -- in the case of -- of
13 Brandon go to -- or Mr. Von Koss go to Ron Messier directly?

14 Sure, they can. They -- can they go to Mark Dionne
15 directly? Sure. Can they go to Dave Cloutier directly? Sure.
16 Can they go to me directly? Obviously, they can.

17 Q. Are you done with your answer, sir?

18 A. Yes, sir.

19 Q. Okay. I don't -- I didn't want to cut you off. So in
20 terms of that dotted line, that's an invisible line in terms of
21 what's actually in the documents. We don't see it anywhere in
22 the documents; is that correct?

23 A. Yes, that's correct. Yeah.

24 Q. Okay. For purposes of what we see that is written in the
25 documents, the document, and I'm referring now specifically to

1 Company Exhibit 4, and Petitioner Exhibits 1 and 2, Joe, that
2 Mr. Von Koss reports to someone different than Mr. Rossi,
3 correct?

4 A. Yeah. So I don't --

5 Q. And -- let me --

6 A. I don't --

7 Q. Let me -- okay, go ahead.

8 A. Yeah.

9 Q. And -- and they do not show anywhere that Mr. Van Koss
10 reports to Mr. Rossi when you look at Petitioner Exhibit Number
11 1.

12 A. All right. So there's a lot of exhibits there. I know --
13 I don't mean to be difficult. So the -- the Company Exhibit 4,
14 I think you said, is that -- is that the org chart that we
15 showed earlier yesterday?

16 Q. No. Company -- no.

17 A. What's Company Exhibit?

18 Q. Just to help you out here.

19 A. Okay.

20 Q. Company Exhibit 4, which is on the screen.

21 A. Oh, okay. Okay. Okay. I'm good. I'm good then. Yeah.

22 Q. Okay. That's what I think we've described. It shows the
23 -- the --

24 A. Yes.

25 Q. -- the teams and the scheduling.

1 A. Yes, yes. So, you know, this isn't an org chart by any
2 means. Right. But yeah, so, you know, this right here -- so I
3 guess, what's the question again? I'm sorry.

4 Q. Sure. I showed you Petitioner Exhibits 1 and 2.
5 Petitioner Exhibit 1, which is the -- do I -- would it help you
6 if I put it back up on the screen, sir?

7 A. No. You can describe it.

8 Q. Okay.

9 A. I think that was the first one you showed up with the org
10 chart that was in series, right?

11 Q. Actually, I first showed you Petitioner Exhibit 2, which
12 was the chart for Mr. Rossi.

13 A. Rossi, okay.

14 Q. Petitioner -- Petitioner Exhibit 1 was the second exhibit
15 that I showed you, and that's the chart for Mr. Von Koss. If
16 you need to see it again, let me know. I'm happy to put it
17 back up.

18 A. All right. But we're talking about the -- the two
19 exhibits were similar. Just one had Aaron on one and one had
20 Brandon on the other, right?

21 Q. Exactly.

22 A. Okay. Okay.

23 Q. Okay. And the chart, just to -- so the record is clear
24 for purposes of reporting for Mr. Van Koss shows him reporting
25 not to Mr. Rossi, who's on the same team. But it shows him

1 reporting directly to Mr. Messier for -- on the org chart,
2 Petitioner Exhibit 1

3 A. Right. So those two charts that you have as a Petitioner
4 exhibits show that. This -- this chart that's in front of us
5 right now does not show that.

6 Q. Okay. Okay. Very good. But there -- I only brought it
7 up because you couldn't remember if they were on the same team
8 and we've now established they are on the same team.

9 A. They are on the same team, yes.

10 Q. Okay. Thank you. Take that down. And I'm now going to
11 bring up another exhibit, which is Company Exhibit Number 2,
12 which is the board chart that Ms. Ruggerio questioned you about
13 yesterday. Is that visible to you now, sir?

14 A. Yes. Yes, sir.

15 Q. Okay. So that's -- that's your name at -- below Mr.
16 Foley, correct?

17 A. That's correct.

18 HEARING OFFICER DURYEA: Just to clarify one -- we're
19 on Page 1 of this 91-page exhibit.

20 MR. YOUNG: Thank you, Mr. Duryea. And I'll try to
21 remember to use the page number.

22 BY MR. YOUNG:

23 Q. So I am now going to go to Page 57 of Company Exhibit 1.
24 And we sort of did this through some of the same thing through
25 the Petitioner Exhibits 1 and 2, but Mr. Dionne is a direct

1 report to you, correct?

2 A. No, Mr. Dionne --

3 Q. Did I go to the -- I'm sorry. Go ahead. I interrupted
4 you.

5 A. I think you can -- I -- I think you can click on the blue
6 piece of it and it brings you right to the -- the level.

7 Q. Yeah. Let me go back to Page 1. You're right, that's
8 what I did. I -- okay. So -- I'm sorry, I -- I skipped a
9 level. You're right. Excuse me, Mr. -- we're now on Page 3.

10 Mr. Cloutier is your direct report, right?

11 A. That's correct.

12 Q. And then clicking on Mr. Cloutier's name, and that takes
13 me to Page 11, and that shows that among his direct reports are
14 Mr. Dionne, correct?

15 A. That's correct.

16 Q. And then when I click on Mr. Dionne's name, that takes me
17 to Page 57, and that shows the three direct reports to Mr.
18 Dionne, correct?

19 A. That's correct.

20 Q. Okay. And the three direct reports to Mr. Dionne are two
21 of the individuals we just talked about Mr. Messier and Mr.
22 Grady, correct?

23 A. Correct.

24 Q. And that's where, if you look at that as you pointed out
25 to me, Mr. -- although they're on the same reporting line to

1 you, Mr. Grading's title is Senior Supervisor, Mr. Messier is
2 supervisor, correct?

3 A. That's correct, yeah.

4 Q. Okay. And then the -- the third individual on this line
5 in the reporting chart is Mr. Zanetti, Z-A-N-E-T-T-I, correct?

6 A. Correct.

7 Q. He -- he's also a supervisor and has the same title as Mr.
8 Messier, correct?

9 A. That's correct.

10 Q. Okay. And all three of these individuals are the three
11 day shift or DSS supervisors, correct?

12 A. That's correct.

13 Q. Okay. And then looking at Mr. Mess -- looking on Mr.
14 Messier's name, and that takes me to Page 80 of Company Exhibit
15 Number 2. That shows eight direct reports to Mr. Messier,
16 correct?

17 A. I believe it shows 10.

18 Q. Sorry. You're right. I never was good at math. You're
19 right. It shows 10. I apologize, that -- that shows 10 direct
20 reports to Mr. Messier, correct?

21 A. Thought you -- I thought it was a trick question. Yeah.
22 That's right.

23 Q. No. It's just that I'm bad --

24 A. Just making sure I'm paying attention, right? Okay.

25 Q. And all of the individuals listed in there on Page 80 of

1 Company Exhibit 2 who report to Mr. Messier are operators 1 or
2 2, correct?

3 A. That's correct.

4 Q. Okay. And Mr. Von Koss is one of those individuals,
5 correct? The second one on the top.

6 A. Oh, yeah. Yes, you're correct. That's right.

7 Q. Okay. All right. So let's go down another page to Page
8 81, and that's Mr. Zanetti, another day Shift supervisor, and
9 I'm still in Company Exhibit 2. And this shows that Mr.
10 Zanetti has seven direct reports, correct?

11 A. That's correct.

12 Q. All seven of those direct reports are system operators
13 Level 1 or 2, correct?

14 A. That's correct.

15 Q. Okay. Then let's go down another page to the third shift
16 supervisor, Mr. Grady. And this shows that Mr. Grady has seven
17 direct reports, correct?

18 A. That's correct.

19 Q. And of those seven, those include all six of the shift
20 supervisors, correct?

21 A. That's correct.

22 Q. And it also includes one operator, Mr. Diamond, correct?

23 A. That's correct.

24 Q. For purposes of reporting Mr. Diamond's on the same
25 reporting schematic as the six shift supervisors, correct?

1 A. That -- that's correct. And I -- and again, I mentioned
2 that yesterday, I believe in my testimony, I don't know why
3 Marshall is there other than he is the senior Level 2.

4 Q. Okay.

5 A. But I couldn't tell why -- why he's there. I don't know.

6 Q. All right. So when you say the senior Level 2. I don't
7 encounter, do you know how many senior Level 2s there are?

8 A. I -- I don't know. But I say senior Level 2, I just mean
9 longevity-wise, he's been there a long, so senior's probably
10 not the correct term. It's -- I'm just talking longevity

11 Q. That that's how I understood you to mean. So in other
12 words, if -- and again, without counting them, I'm just going
13 to say that if they're hypothetically five Level 2 supervisor -
14 - five Level 2 operators, excuse me, that Mr. Diamond has
15 greater longevity than the other four?

16 A. Yeah. That -- that would be correct.

17 Q. Okay.

18 A. Yeah. And again, I mentioned this yesterday, right? The
19 --

20 Q. Yeah.

21 A. The -- the org charts, right? Are -- were set up, you
22 know, the pay -- the pay bands, right, which are pretty broad,
23 right? Are, you know, they were set up with those pay bands in
24 mind, right?

25 So the Level 2 and the RSS pay bands are the same,

1 but the actual pay is separated. The RSSs make you know, more
2 than the Level 2 operators.

3 Q. Okay. Let's -- let's talk about that for a second.
4 Yesterday, you testified that the shift supervisors are paid
5 salary, correct?

6 A. All -- all -- all everyone's paid salary.

7 Q. Well, let me break it down. Okay. Just the shift
8 supervisors are all salaried, correct?

9 A. That's correct.

10 Q. And you also said that the individuals represented by
11 Local 1837 are all hourly, correct?

12 A. The -- all the ones -- so I don't know if 1837 has other
13 employees, but the ones that I'm aware of, which I mentioned
14 yesterday, I believe are all hourly.

15 Q. Okay. And you didn't talk about the operators, but the
16 operators also are all salary, correct?

17 A. That's correct.

18 Q. Okay. So the operators and the shift supervisors are both
19 -- those two job classifications are both salaried, correct?

20 A. That's correct.

21 Q. Okay. So going back to the oral charts, -- the sorry, I
22 lost my train of thought. One moment, a second. Okay. So
23 going back to the org charts, which Company Exhibit 2, Pages
24 80, 81 and 82, the -- none of the 18 operators report on the
25 charts to a shift supervisor, correct?

1 A. Yeah. So you mentioned 80, 81 and 82. I'm -- and I, you
2 know, I'm sorry, but I don't -- 80 and 81, which we're not
3 looking at, are the ones we just saw?

4 Q. Okay. Let me -- I'm sorry. You're right. I said -- I --
5 no, 80 is Mr. Messier, right?

6 A. Okay.

7 Q. He's a day shift supervisor, correct?

8 A. He -- he's a day shift supervisor. That's correct.

9 Q. And 81 is Mr. Zanetti, a day shift supervisor, correct?

10 A. That's correct.

11 Q. And 82 is Mr. Grady, also a day shift supervisor, correct?

12 A. Correct.

13 Q. So just to repeat my question then. The -- none of the 18
14 operators who we see on Pages 80, 81 and 82 of Company Exhibit
15 2 report to under the charts a shift supervisor, correct?

16 A. According to this chart. Yes, that's correct.

17 Q. Okay. They all report to a -- one of the three, according
18 to the charts in Company Exhibit 2, a day shift supervisor?

19 A. That's correct.

20 Q. Okay. Looking at and-- I still have up Company Exhibit 2,
21 if you see at the bottom of Company's Exhibit 2, sort of in
22 gray, it says as of April 16th, 2023. Do you see that, sir?

23 A. Yes, I do.

24 Q. Okay. And that would've been, I believe, last Sunday,
25 correct?

1 A. I'd have to look at a calendar, but --

2 Q. I'll tell you what --

3 A. Yeah.

4 Q. Represent you at this --

5 A. The 16th. The 16th. I'm looking at my cal. So the 16th
6 was last Sunday? Yes, that's correct.

7 Q. Okay. Okay.

8 A. Today's the 19th, right? Yeah. Yeah. So that was --

9 Q. Yeah. Okay. Eversource modified Company Exhibit Number 2
10 on April 16th, didn't it?

11 A. I -- I -- I don't know.

12 Q. You don't know? Okay. Let's go back to Page 3 of Company
13 Exhibit Number 2.

14 A. Okay.

15 Q. And that shows you, and then it also shows your two direct
16 reports, Mr. Cloutier and Mr. McCue, correct?

17 A. Correct.

18 Q. Okay. And sorry, I -- I need to get -- how do I get back
19 to you? I'm trying to --

20 A. I -- I think if you click on -- I don't know. I don't
21 know.

22 Q. There we go.

23 HEARING OFFICER DURYEA: Here we go.

24 BY MR. YOUNG:

25 Q. Got it. Okay. So Mr. -- Mr. Cloutier is the director who

1 reports to you, correct?

2 A. That's correct.

3 Q. Okay. And then when I click on Mr. Cloutier, he has looks
4 like three or four direct reports; is that right?

5 A. Yeah. You'd have to click on -- on him in order for me to
6 confirm that.

7 Q. Yeah. I did click. It should be on your screen right
8 now.

9 A. It's not showing, it just shows Peter Glenn. So it has,
10 it still has David Cloutier, Peter Glenn, Mark Dionne --

11 Q. Yeah. That's -- that's what I was --

12 A. So David -- David Cloutier has four reports, yes.

13 Q. Yeah. Okay.

14 A. Is that what you asked? I'm sorry. Yeah.

15 Q. Yeah. That was -- I -- I know it's confusing. That was
16 my --

17 A. Okay.

18 Q. -- question.

19 HEARING OFFICER DURYEA: Can I just certify that --
20 that we're on Page 11 right now?

21 MR. YOUNG: Thank you. Page 11.

22 BY MR. YOUNG:

23 Q. And Mr. Dionne is the individual on the -- the
24 transmission side, correct?

25 A. He's in the ESCC, which is the transmission side, but they

1 --

2 Q. Right.

3 A. -- they do transmission and distribution.

4 Q. Okay.

5 A. Right.

6 Q. And Mr. Glenn is Mr. Dionne's counterpart, but he's on the
7 -- what you said yesterday, the distribution side, correct?

8 A. Right. He's the manager of the system operation center at
9 the SOC.

10 Q. Okay.

11 A. Right, the distribution side. That's right.

12 Q. Okay. So now I'm going to click on Mr. Glenn, and that
13 takes us to Page 56. Do you see that?

14 A. Yes, I do.

15 Q. Okay. And on Page 56, that shows that Mr. Glenn has three
16 supervisors who report to him. Mr. Weirdy (phonetic), Ms.
17 McLaughlin, and Mr. McCormick, correct?

18 A. That's correct.

19 Q. Okay. And now I'm going to click on Mr. Weirdy, and that
20 shows that he has two direct reports, Mr. Franco and Mr.
21 Wilshire, correct?

22 A. That's correct.

23 HEARING OFFICER DURYEA: And we're on Page 77.

24 MR. YOUNG: Thank you.

25 BY MR. YOUNG:

1 Q. And then -- oh, go back to 77. One moment please. And if
2 you go back one more level. All right. So looking at Mr --
3 I'm going to click again on Mr. Franco. That -- I'm sorry.
4 Mr. Franco is listed correct. As a lead here, correct?

5 A. That's correct.

6 HEARING OFFICER DURYEA: And we're on -- we are on
7 Page 83 to clarify.

8 MR. YOUNG: Thank you.

9 BY MR. YOUNG:

10 Q. And then this shows that Mr. Franco now has three
11 operators. This is on the DSO side of the -- DS -- the
12 distribution side.

13 A. Yeah. That's correct.

14 Q. Okay. And then going --

15 A. It's on the, the SOC side of things.

16 Q. The SOC, thank you.

17 A. Right. Right.

18 Q. And then Mr. Wilshire also has, according to this chart,
19 three operators on the SOC side reporting to him, correct?

20 A. That's correct.

21 HEARING OFFICER DURYEA: And we're on Page 84.

22 MR. YOUNG: Page 84.

23 BY MR. YOUNG:

24 Q. But prior to April 16th, 2023, the date of this document,
25 in fact, those -- just looking at Mr. Wiltshire's page, those

1 three operators did not -- the line of report did not show them
2 reporting to Mr. Wilshire. Did it?

3 A. I don't know. I don't know of the date that that was
4 changed. So I -- I did ask about a month ago for HR to change
5 that. So this goes back to our discussion on the pay bands,
6 right?

7 And HR setting up Workday according to the pay bands,
8 and not according to the correct reporting structure, right?
9 So both rooms were set up the same way, right? So the team
10 lead is equivalent to the rotational shift supervisor in the
11 other room, right?

12 And then under the team lead and under the RSS, were
13 supposed to be for the RSS, the Level 1, Level 2 system
14 operators, and for the team lead in the SOC, the DSOs and
15 associate DSOs, right? That was supposed to be the reporting
16 structure.

17 That was supposed to be the structure in Workday.
18 And granted, it was -- it was an oversight. HR didn't set it
19 up that way, and I asked them to change it. And you know, I
20 asked them some time ago to change it.

21 And when they didn't, and come to find out it was
22 because, you know, they gave me some -- some, you know,
23 discussion about the pay bands and the pay bands are the same
24 and all that. And I said, you know, I don't care. I want the
25 org charts to reflect reality.

1 And the reality is that the persons on the shift,
2 the, the DSOs, associate DSOs in the system operation center
3 report up to the leads, and in the ESCC, the Level 1, Level 2
4 operators report up to the rotational shift supervisors. Now,
5 they changed it in the SOC because, you know, we got the
6 petition, right?

7 And in the interim of changing this, the petition
8 came in and we were told we can't change anything in the ESCC.
9 So we didn't do that. We left the ESCC alone, but we did
10 change the SOC to reflect the reality of what is really
11 happening.

12 Q. So you agree then that after the petition came in, that a
13 change was made on the SOC side with no regard to the reporting
14 -- reporting liner chain of command, correct?

15 A. I -- I agree that when the petition -- after the petition
16 came in, we changed the SOC reporting structure to reflect the
17 reality of how we run the control room. We did not change the
18 ESCC because the petition came in on the interim.

19 Q. So let's leave out the term reality because that's --

20 A. Well, that -- that is -- I mean, that's my testimony.
21 That is reality.

22 Q. That's -- that's value laden sir. I'm just asking you
23 simply this, in terms of the org chart, after the petition came
24 in, you changed the -- the -- the org chart was changed on the
25 SOC side to what it looks like in Company Exhibit 2. Yes or

1 no?

2 A. Yes. The change went through after the petition came in,
3 the change was requested prior to that, but the change came in
4 after the petition went through. Yes.

5 Q. And you say that you equate the shift supervisors with the
6 -- what's called the leads on the SOC side, correct?

7 A. I equate them as far as their supervisory function, yes.

8 Q. Okay. But there -- the -- that's not what's shown, I
9 think we've established on Company Exhibit 2 or Petitioner's
10 Exhibit 1 and 2 right now, correct?

11 A. That's correct.

12 Q. Okay. Thank you. You testified that the position of the
13 shift supervisor -- now I'm back on the transmission side of
14 things, okay?

15 A. Okay.

16 Q. Okay. That the shift supervisor position was created some
17 point in 2018, but wasn't filled until, I think it was early
18 2019; is that correct?

19 A. That's my recollection, yes.

20 Q. Okay. And up until then, there were -- I think you said,
21 was it 11 operators and one day shift supervisor?

22 A. No, no, no. So I -- what I said was, prior -- prior to
23 2015, right?

24 Q. 2015?

25 A. '15. We had 12 persons in the control room. 10 of those

1 were system operators, two of them -- one of them was like an
2 audit coordinator, a supervisor, if you will, and the other one
3 was the supervisor of that group, right?

4 And -- and then we started to, you know, obviously
5 change the way we operate the business and we started to add
6 additional personnel over time and what we had prior to 2019,
7 I'd have to look it up, I don't know.

8 Q. Okay.

9 A. But it wasn't -- it wasn't the -- it wasn't 12. It was
10 more than that. Right.

11 Q. All right. Thank you for correcting that. My -- what I
12 wanted to ask you was in 2019 when you first filled those shift
13 supervisor positions, people had to apply for the positions; is
14 that right?

15 A. That's correct.

16 Q. And if, you know, were the six positions awarded to the
17 six most senior operators who applied?

18 A. I -- I believe they -- well, no. Because I don't -- no.
19 Because Marshall Diamond I think is more senior than some of
20 the rotational shift supervisors that we have now.

21 Q. Do you know whether he applied?

22 A. So I don't know. I don't know. I -- I -- I can't
23 remember. I don't know who applied or who didn't. I don't
24 know.

25 Q. Okay. But in general, the -- is it fair to say that the

1 shift supervisor positions that were filled for the first time
2 in 2019, were filled by operators who had more experience and
3 longevity with the company?

4 A. I can't say I don't know who applied, right? So I -- I
5 can't --

6 Q. I'm taking --

7 A. I don't know. I don't -- honestly, I don't know, right?
8 So it would depend who applied, and it goes back down to, you
9 know, the job requirements, right? And, you know, some of
10 those leadership behavior skills that were listed in there,
11 right?

12 So, you know, it's not only the most experienced, but
13 it's also, you know, having the right attitude as well. So I
14 don't know who applied, and so I couldn't tell you whether it
15 was the most, you know, senior people.

16 Obviously, it was people that were, you know, fully
17 qualified to perform the technical aspects of the job, right?
18 But there's also that leadership component that also comes into
19 play when you're looking at a supervisory position.

20 Q. My question was different than that, sir. I took out the
21 part about who applied, and my question that I asked was this.
22 When the fifth supervisor positions were filled in 2019, the
23 positions were filled with generally the most senior and long -
24 - longest serving operators?

25 A. So -- so again, I -- I'd have to go back to 2019, see who

1 was in the control room at the time, who -- what experience
2 level we had, and who applied for the job. I -- I -- I don't
3 have enough information or recollection to tell you whether
4 that's a correct statement or not. I don't know.

5 Q. Okay. Let's -- let's move on then. One moment, please.

6 MR. YOUNG: Can we go off the record for one second?

7 HEARING OFFICER DURYEA: Sure. That's fine. Off the
8 record.

9 COURT REPORTER: Off the record at 11:53.

10 (Brief Recess at 11:53 a.m./ Reconvened at 11:56 a.m.)

11 HEARING OFFICER DURYEA: All right. Back on the
12 record.

13 COURT REPORTER: Back on the record at 11:56.

14 BY MR. YOUNG:

15 Q. Mr. Dickie, I'm showing you now, Company Exhibit 7, do you
16 see that?

17 A. Yes, I do.

18 Q. It's actually Company Exhibit 5. I apologize. It should
19 be up on your screen.

20 A. Okay. And this is for the -- is this for the -- this is
21 for the RSS?

22 Q. This is for the shift supervisors, correct.

23 A. Right. Okay.

24 Q. Okay. And this -- this was the document you'll recall
25 that Ms. Ruggiero spent a fair amount of time going over with

1 you at the end of the day yesterday and do you recall that?

2 A. Yes, I do.

3 Q. Okay. So I wanted to call your attention to the first
4 sentence, and I highlighted some language there. I didn't
5 quite get the highlighting I wanted. There we go. So you
6 spent some time talking about the role of the shift supervisor
7 and --correct?

8 A. That's -- yeah. Correct.

9 Q. Okay. And the first sentence of the job description says
10 that the operation shift supervisor has authority and
11 responsibility to make operational decisions and provide
12 direction as required to ensure the safe, reliable, and
13 economical dispatch to the New Hampshire interconnected bulk
14 transmission and distribution systems in accordance with
15 approved operating procedures and instructions, correct?

16 A. Correct.

17 Q. And those -- the phrase in accordance with approved
18 operating procedures is a reference, is it not to the various
19 operating procedures that we've looked at in the course of your
20 testimony?

21 A. Yeah. I mean, there's some of them right there. I mean,
22 there's -- there's a whole bunch of, you know, NERC-generated
23 procedures and guidelines that we also have to comply with. So
24 we didn't see all of them, but there's -- as you can imagine,
25 you know, it's a federal oversight. There's a lot of them, you

1 know?

2 Q. Right. So -- so beyond -- you happen to know how -- I
3 don't think we've actually put into evidence the index, but do
4 you happen to know how many operating procedures there are?

5 A. I don't. I don't --

6 Q. You don't?

7 A. I don't know.

8 Q. Okay. Well, we -- we looked at one that was numbered 100.
9 Do you remember that? That's the switching and tagging.

10 A. Yeah. That was ESOP 100 and I -- and I think, you know,
11 they're -- they're not -- so they're not sequentially numbered,
12 so you can't say ESOP 100 is the 100th document. Right. It's
13 -- they -- they skip numbers. I -- the rhyme or reason behind
14 that, I don't know.

15 Q. Okay. You would agree though that there are a significant
16 large number of operating procedures that have to be followed.

17 MS. RUGGIERO: Objection. Calls for speculation.
18 What does significant mean?

19 BY MR. YOUNG:

20 Q. Fair enough. There are OP -- withdrawn. Eversource has
21 published operating procedures, correct?

22 A. We do.

23 Q. And the fifth supervisor has an obligation to what --
24 whatever the supervisor is asking to be done, to do so in
25 accordance with the operations or operating procedures, excuse

1 me, promulgated by Eversource. Correct?

2 A. They have an obligation to stay within the guidelines of
3 the operating procedure. That's correct.

4 Q. Okay. And in addition to the operating procedures that
5 have been promulgated by Eversource, the shift supervisor in
6 performing his or her work also has to comply with procedures
7 that you just said a minute ago are not necessarily promulgated
8 by Eversource, but rather by NERC and federal authorities.
9 Correct?

10 A. Yeah. So there -- there are guidelines that you have to
11 maintain, right? And those guidelines are -- there's always
12 discretion within the guideline, right? So, you know, it's a
13 procedure.

14 It doesn't spell out every, you know, every little
15 thing that happens, but usually you stay within a band. So a
16 procedure is written for the most common thing, stay within
17 these bands, and there's some discretion within that band on
18 how you comply with the procedure. Yes.

19 Q. Okay. If you still have up Company Exhibit 5, and I'm
20 looking at think still at that first sentence for the role and
21 scope of the shift supervisor's position, and in addition to
22 working in accordance with approved operating procedures, the
23 shift supervisor also has to do so in accordance with
24 instructions, correct?

25 A. If there's an instruction for whatever it is that they're

1 dealing with, yes.

2 Q. Okay. And those instructions can come from the day shift
3 supervisor, correct?

4 A. The instruction could come from a day shift supervisor.
5 That's correct.

6 Q. That -- that's who the shift supervisors report to are the
7 day shifts, who are the three day shift supervisors anyway?

8 A. Well, there's all -- there's all kinds of instructions,
9 right? So you know, it depends on what the instruction is I
10 guess.

11 Q. Okay.

12 A. I don't -- I don't know. I don't know what instructions
13 this is pointing to. I'm not trying to be difficult, but I'm
14 not -- I don't know what the wording here instructions, right?
15 What that is specifically referring to.

16 Q. Okay.

17 A. I mean, there are instructions out there, right? For --
18 for various things. Whether that's coming from a day shift
19 supervisor or some other thing, right? You know, you have
20 instructions in ESOP 100, right? That says how to do switching
21 and tagging. Right. That's not coming from the day shift
22 supervisor.

23 Q. Now, isn't that -- isn't that an operating procedure
24 though, sir?

25 A. It's an operating procedure, but there are instructions in

1 there on, you know, how to do a pre-switch brief, right?

2 What's the wording to be used, right? So I would call that an
3 instruction.

4 Q. Okay. All right. One moment, please.

5 HEARING OFFICER DURYEA: Test.

6 BY MR. YOUNG:

7 Q. I'm still looking at Company Exhibit 5, and I'm going to
8 turn now to Arabic number 2, essential functions. Do you see
9 that?

10 A. Yes, I do.

11 Q. Okay. And the first essential function bullet point for
12 the fifth supervisor's responsible for complying with NERC
13 Reliability Standard, correct?

14 A. That's correct. This is under, I'm sorry, because you
15 swapped -- you swapped there for a minute. So we're still
16 under the rotational shift supervisor?

17 Q. We're still under the shift supervisor.

18 A. Okay. Yeah.

19 Q. That's -- That's Company Exhibit 5. You're right. I did
20 switch for a minute.

21 A. Okay.

22 Q. But I'm still on Company Exhibit 5.

23 A. Okay.

24 Q. Okay. Now, I am going to switch to Company Exhibit 7.

25 And that's the job description for a operator Level 2, correct?

1 A. Correct.

2 Q. Okay. And under essential functions, the first bullet
3 point for the operator says, responsible for complying with all
4 North American Electric Reliability Console operating
5 procedures and reliability standards, right?

6 A. Correct.

7 Q. And that's -- although it's worded a little bit
8 differently, that's the same as what's in Company Exhibit 5
9 under the first bullet point under essential functions,
10 correct?

11 A. Yeah. That's correct. One uses the acronym and one
12 spells it out.

13 Q. Yeah. Okay. Fine. So on Company Exhibit 5, going down
14 to the --

15 A. And we're back -- are we back on the rotational shift
16 supervisor? No?

17 Q. Back on the shift supervisor. Just -- just so that you
18 kind of understand where I'm headed, sir, to make it easier.
19 Your counsel was good enough to show me how to toggle back and
20 forth --

21 A. Okay.

22 Q. -- between these different job descriptions. So that's
23 what I'm doing. I'm toggling back and forth and I'll try to
24 identify them as I go along. Okay?

25 A. Yeah. Sure.

1 Q. Okay. Thanks. So I am -- as you just said, I'm back on
2 Company Exhibit 5, the shift supervisor job description, and
3 under the essential functions heading, sixth bullet point down
4 it says, plans, prepares, approves and issues orders for
5 switching, rounding and tagging requirements of generation,
6 transmission, and distribution facilities under the EFCC
7 jurisdiction in accordance with approved switching and tagging
8 instructions and participant safety rules. Correct?

9 A. Correct.

10 Q. Okay. And now I'm going to toggle back to Company Exhibit
11 Number 7 and the second bullet point of the responsibilities
12 for the -- or excuse me, for the operator is the same as what I
13 just read for the shift supervisor, correct?

14 A. It -- it looks to be the same, yes.

15 Q. Okay. I'm going to go back to Company Exhibit 5 and go to
16 the seventh bullet point which says, performs computer online
17 and offline security analysis studies to evaluate the status of
18 the transmission and distribution systems, develops plans to
19 cope with possible or projected contingency conditions on the
20 transmission and distribution system, correct?

21 A. Correct.

22 Q. I'm going to toggle back to Company Exhibit 7, which is
23 the job description for system operator number or Level 2. And
24 the third bullet point there on Company Exhibit 7 is the same
25 as the bullet point that I just read you from the shift

1 supervisor description on Company Exhibit 5, correct?

2 A. Yeah. So I want to say yes, right? But I mean, you'll
3 have to forgive me, right? There's a lot of words on these,
4 right? And if we're going to pass every word, I -- I don't
5 have them both in front of me.

6 I'm toggling back and forth. So I -- I believe
7 that's correct, but I, you know, again, I can't see both of
8 them at the same time and see the wording. Right.

9 MR. YOUNG: Let's -- let's go off the record for a
10 minute. Okay.

11 COURT REPORTER: Off the record at 12:10.

12 (Brief Recess at 12:10 p.m./ Reconvened at 12:15 p.m.)

13 HEARING OFFICER DURYEA: Okay. All right. Back on
14 the record.

15 COURT REPORTER: Back on the record at 12:15.

16 BY MR. YOUNG:

17 Q. So Mr. Dickie, I -- I have up on the screen the job
18 description for the operators, which is Company Exhibit 7. And
19 I understand that on your own monitor, since we can't give you
20 a hard copy that you have in front of you, Company Exhibit 5;
21 is that right?

22 A. That's correct.

23 Q. Okay. So my question going back to where we were before
24 we went off the record, is the language in the third bullet on
25 essential functions for Company Exhibit 7 is the same or

1 virtually the same, I'll put it that way, as Company -- as on
2 Company Exhibit 5, the seventh bullet down.

3 A. Yeah. So the -- the only difference on that bullet on the
4 seventh bullet on -- on CX-5 is this -- this says performs
5 computer online and offline security analysis studies to
6 evaluate the status of the transmission and distribution
7 system.

8 And the one that you're showing on the screen has,
9 you know, evaluate the status of the generation transmission
10 distribution system. So there -- there's a slight difference
11 there.

12 Q. Is that -- is the generation -- you'd said yesterday that
13 the company no longer has generating facilities, although it
14 did at one time, correct?

15 A. It -- it did, right. So it could very well be right to
16 that point that, you know, the -- the Level 2 posting language
17 has not been updated accordingly. It could very well be, I
18 don't -- I don't -- I don't know. But other than that, it
19 looks like both are the same with the exception of even in the
20 second sentence generation is included in the Level 2
21 responsibility essential functions and it is not listed in the
22 RSS essential functions.

23 Q. Okay. Okay. But putting aside the issue of the
24 generation, which is in CX-5, do you know whether the CX-5
25 performs computer online and offline security analysis to

1 evaluate the status of generation systems?

2 A. They probably would. You know, I, you know, obviously
3 generation is in the mix, right? Because you're look -- always
4 looking at, you know, their voltage output and value of output,
5 that kind of thing. Same thing as a Level 2. So yeah, I would
6 say they are evaluating the status of it. We have a screen in
7 skater for it.

8 Q. And the Level 2 supervisor or Level 2 operator would also
9 look at that same screen, right?

10 A. Yeah. That's correct.

11 Q. Okay. Looking at the second sentence there putting aside
12 the word generation, both the Level 2 operator and the RSS
13 after developed plans to cope with possible or projected
14 contingency conditions, correct?

15 A. Correct. And I think -- I think in a testimony yesterday
16 I mentioned that, you know, they -- they both -- anybody in the
17 room would do it, right? But the RSS would, you know, sign off
18 on that plan. I think that's how I put it yesterday in
19 testimony.

20 Q. The -- the contingency conditions, if I understand, that's
21 kind of the backup of what you do if something goes wrong. For
22 example, if you have a planned work to be done, and you were
23 testifying earlier today, something doesn't go as planned. Is
24 that at least partially correct?

25 A. No, no. So -- so contingency conditions, right?

1 Q. Yeah.

2 A. Remember we talked about, right? So all lines in that,
3 you know, we always have -- we'll just say all lines in,
4 nothing's out, right? The contingency analysis runs in the
5 background and takes out an element on the transmission system,
6 whether it's a line or a breaker, most of the time it's a line,
7 right?

8 Because the breaker affects the line. So it takes --
9 we're just going to call it a line for now, takes on a line and
10 then runs a load flow because you could have an overload
11 condition based on that line out condition, right?

12 So contingency analysis is always doing that for a
13 whole slew of contingency scenarios predefined in the computer,
14 right? That -- that's like an input-output machine, right? So
15 we define it ahead of time, it's in the contingency analysis in
16 the background.

17 And then -- so say you lose a line, right? And now
18 you got to go and it's going to run with that line out and it's
19 going to assume the next contingency, which is another line
20 out. And it -- and it keeps going depending on how many lines
21 you have out.

22 And based on what the output of that it's saying, I
23 have an overload here on this line, an overload here on that
24 line, you have to develop contingency plans to resolve that
25 issue. Now, if the contingency is severe, you may have to take

1 pre-contingent actions before the next line goes out.

2 Or you have to have a plan in place to have a plan of
3 action if that next contingency happens. It depends what the
4 contingency is, and you do have a little bit of time to execute
5 the plan if the next contingency happens. It is all dependent
6 on the situation.

7 Q. Okay. Thank you for that clarification. So -- although I
8 misunderstood what it -- the contingency plan was, the bottom
9 line is that contingency plans are developed by both a shift
10 supervisor and at least a -- a Level 2 operator, correct?

11 A. That's correct. I mean, they would --

12 Q. They both form them?

13 A. Yeah.

14 Q. Okay. Okay. Fair enough. Next bullet point on Company
15 Exhibit 5 is to assist the systems operation or I think you --

16 HEARING OFFICER DURYEA: I think you're on Company
17 Exhibit 7 right now.

18 MR. YOUNG: You're right, I misspoke. Thank you, Mr.
19 Duryea.

20 HEARING OFFICER DURYEA: Sure.

21 BY MR. YOUNG:

22 Q. The next bullet point though, fourth one down on Company
23 Exhibit number 7, assisting the systems coordinator with
24 reception and processing of outage request, including making
25 the arrangements for authorized switching personnel.

1 That's worded a little differently, but essentially
2 the same as the eighth bullet point under essential functions
3 for the shift supervisor on Company Exhibit number 5, correct?

4 A. Yeah, that's correct.

5 Q. Okay. And next bullet point on Company Exhibit 7
6 determines the locations of faulted equipment, et cetera, is
7 pretty much the same thing as the ninth bullet point on Company
8 Exhibit 5, correct?

9 A. That's correct. That's correct.

10 Q. Both the shift supervisor and the operator after
11 determined where equipment is faulted and then isolate it and
12 direct the restoration of impacted generation, transmission,
13 and distribution facilities, correct?

14 A. That's correct.

15 Q. Okay. Going back to Company Exhibit number 7 next bullet
16 point down, maintain system voltage profiles. That's the same
17 or almost the same as the 10th bullet point on Company Exhibit
18 5 for the shift supervisor?

19 A. Yeah. I mean there is a -- a little bit of -- it says sub
20 transmission, which we don't use that term anymore --

21 Q. Okay.

22 A. -- on -- on the Level 2 and on the -- supervise the RSS it
23 says transmission and distribution system, which, you know, the
24 sub transmission is the same thing as the distribution system.

25 Q. Okay. Okay. After Company Exhibit 7, next bullet point

1 down which has -- initiates emergency procedures as requested
2 by ISL and he was required by local control center procedures
3 including the shedding of load, and then it goes on from there.
4 Those -- that's the same as a -- what a shift operator expected
5 to do under Bullet Point number 11, correct?

6 A. Yeah. I mean the -- the -- it is just the second sentence
7 is, you know, a little bit different. For the RSS it says
8 report such actions to the appropriate member companies and the
9 one under the Level 2, report such actions to the appropriate
10 authorities located at the local control center member
11 companies. And I -- and I would say both -- both of those
12 sentences mean the same thing.

13 Q. Yeah. Turning to the next point on Company Exhibit 5 --
14 no, excuse me, 7. Again, we're still looking at the -- let me
15 go back to that prior bullet point for a minute. He initiates
16 emergency procedures. So if both the --the supervisor and the
17 -- at least the Level 2 operator are required, if they get a
18 request from ISONE or a local control center to take emergency
19 procedures, which I gather are geared towards avoiding having
20 the system going down, is fair to say?

21 A. Yeah. That -- that's -- that's fair to say.

22 Q. Okay. And just -- we did talk for a minute yesterday,
23 maybe more than a minute, about the concerns about a potential
24 blackout, which was I guess the most extreme situation,
25 correct?

1 A. Correct.

2 Q. And if -- if emergency, and I think you used the word
3 cascading, so that if things start cascading, that can lead to
4 a blackout. Did I summarize that correctly?

5 A. Yeah. That's -- that's correct.

6 Q. Okay. And I think you said yesterday that the shift
7 supervisors have responsibility for making sure that lines are
8 -- switches are changed and lines isolated and that kind of
9 thing to avoid that kind of dire situation, correct?

10 A. Yeah. So you're talking about relays and -- and that kind
11 of thing, right? So --

12 Q. Yes.

13 A. Yeah. Again, right. So you know, the RSS, right? Is the
14 supervisor on the shift. They -- they are also a system
15 operator as we've talked about, right?

16 They do some of the work and, you know, they -- they
17 use their judgment to direct the other operators, but the other
18 operators are also -- some of them are fully qualified, some of
19 them aren't, and you know, they're responsible as well to, you
20 know, abide by the NEOC rules to operate the system.

21 But the regional -- the rotational shift supervisor
22 is the ultimate supervisor on that shift. So -- so from --
23 from that, I don't -- you know, from that perspective, right?
24 The -- the rotational shift supervisor, right? Is -- is
25 ultimately in charge, right? To make sure things are

1 appropriate on the shift.

2 Q. The operators actually go to annual training, don't they?
3 To learn how to -- what they need to do to prevent a blackout
4 from occurring?

5 A. Yes, they do.

6 Q. Okay. Is that true of all of the operators?

7 A. That's true of all the operators in New England, yes.

8 MR. YOUNG: Okay. Mr. Duryea, I think this is
9 probably a good point to stop. I had indicated I needed to end
10 pretty much at 12:30 and it's 12:30 right now.

11 HEARING OFFICER DURYEA: All right. All right. So
12 as we discussed earlier off the record, we will -- we will be
13 reconvening next Wednesday. I believe it's the 26th or 20 --
14 the 26th or 27th?

15 COURT REPORTER: 6th.

16 HEARING OFFICER DURYEA: 26th. Next Wednesday, the
17 26th, and we'll begin at 9:00 a.m. And -- and then we will
18 just pick up with Mr. Young's cross examination.

19 MR. YOUNG: Before -- before we go off altogether.
20 Since we are going into next week, I would appreciate a
21 response to my subpoena. And Angela, I'm happy to try to
22 narrow that and discuss it with you tomorrow morning if that
23 works. I have to go to another hearing now, but I know you
24 said you had a little time --

25 MS. RUGGIERO: Yes.

1 MR. YOUNG: -- tomorrow morning?

2 MS. RUGGIERO: Yes.

3 MR. YOUNG: Okay. If we could go off then, Mr.
4 Duryea.

5 HEARING OFFICER DURYEA: All right. Okay. So off
6 the record and I'll see you again on next Wednesday.

7 COURT REPORTER: We're the record at -- off the
8 record at 12:31. Thanks everybody.

9
10 (Whereupon, at 12:31 p.m., the hearing in the above-
11 entitled matter was adjourned to Wednesday, April 26th,
12 2023 at 9:00 a.m.)

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CERTIFICATION

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region One, in the matter of Eversource Energy versus Electrical Utility and Broadcasting Workers' Union, Case No. 01-RC-314865, on Zoom, on April 19th, 2023, was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the recording from the hearing, that the exhibits are complete and no exhibits received in evidence or in the rejected file are missing.

Michael Marciniak

Michael Marciniak

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01-RC-314865 (1)				

OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of: : Case No: 01-RC-314865
PUBLIC SERVICE OF NEW HAMPSHIRE, :
d/b/a EVERSOURCE ENERGY, :
Employer, :
And :
INTERNATIONAL BROTHERHOOD OF :
ELECTRICAL WORKERS, LOCAL 1837, :
Petitioner.

Place: Boston, Massachusetts (via Zoom)
Dates: April 26, 2023
Pages: 287 through 469
Volume: 3

OFFICIAL REPORTERS
BURKE COURT REPORTING, LLC
64 Magnolia Place
Wayne, NJ 07470
(973) 692-0660

1 BEFORE THE
2 NATIONAL LABOR RELATIONS BOARD
3 -----: Case Nos.:
4 In the Matter of: : 01-RC-314865
5 PUBLIC SERVICE OF NEW HAMPSHIRE, :
6 d/b/a EVERSOURCE ENERGY, :
7 Employer, :
8 And :
9 INTERNATIONAL BROTHERHOOD OF :
10 ELECTRICAL WORKERS, LOCAL 1837, :
11 Petitioner. :
12 -----:

13
14 The above-entitled matter came on for hearing
15 Pursuant to Notice, before ERIC DURYEA, HEARING OFFICER, at the
16 National Labor Relations Board, Region 1, VIA ZOOM, on
17 Wednesday, April 26, 2023, at 9:44 a.m.
18
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25

A P P E A R A N C E S

On behalf of the Employer:

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE
BRIAN DICKIE	(prev.)	295	373	386	--
	--	--	391	--	--
AARON ROSSI	394	448	--	--	--

1	E X H I B I T S		
2	PETITIONER'S EXHIBITS	IDENTIFIED	RECEIVED
3	P-5	299	299
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P R O C E E D I N G S

(Time Noted: 9:43 a.m.)

HEARING OFFICER DURYEA: All right. Good morning, everybody. Welcome back. The -- I think the first order of business is dealing with a petition to revoke that the employer filed as to the petitioner's subpoena, so let's talk about that first.

The petition to revoke dealt with three aspects of the subpoena. Hang on a second while I find that.

So the petition to revoke started out by asking that paragraph 5 of the subpoena should be revoked which dealt with the personnel files for the operation shift supervisors that are at issue in this case. The petition to revoke basically argued that the relevant -- to the extent these are relevant, they're relevant for the period of when these people became operation shift supervisors.

In the petitioner's response it was conceded that getting these personnel files back to 2018 would be acceptable. Off the record we discussed this and the employer agreed to provide those three personnel files going back to 2018 and we expect to get those a little bit later on in the day. Have I correctly summarized what we discussed?

MR. YOUNG: Yes.

MS. RUGGIERO: Yes.

HEARING OFFICER DURYEA: All right. Okay. And -- or

1 for the second aspect of the petition to revoke it dealt with
2 paragraph 20 which was seeking a couple of collective
3 bargaining agreements that Eversource has with companies in
4 Massachusetts and Connecticut. I note that in petitioner's
5 response it didn't address this paragraph. I'm assuming that
6 it's perhaps that petitioner found these CBAs by other means.
7 Is that correct, Mr. Young?

8 MR. YOUNG: Yes.

9 HEARING OFFICER DURYEA: I'm sorry, was that a yes?

10 MR. YOUNG: That's a yes.

11 HEARING OFFICER DURYEA: Okay. Sorry. Okay. So
12 that is resolved. And then the last one paragraph 21 should be
13 revoked. Paragraph 21 sought any documents that Eversource
14 contends demonstrate that operation supervisors in New
15 Hampshire have different authority from transmission system
16 supervisors or training -- I'm sorry, senior transmission
17 outage coordinators implied by NSTAR Electric and Gas Company
18 d/b/a Eversource Energy Massachusetts.

19 As we discussed off the record it seems to me like
20 this request is overly broad. The petitioner's response to the
21 petition to revoke effectively expresses its belief that these
22 documents don't exist.

23 I think that whether these documents exist or don't
24 exist is not probative. It's not going to help the Regional
25 Director determine the matter at hand. You know, the matter at

1 hand deals with the operation shift supervisors in New
2 Hampshire. The -- to the extent that petitioner wants to
3 demonstrate that the transmission system supervisors are senior
4 transmission outage coordinators in Massachusetts are
5 sufficiently comparable to the positions that are at issue
6 here, you know, it's incumbent on petitioner to put on evidence
7 about that.

8 The existence or nonexistence of the documents sought
9 in or requested in paragraph 21 is not probative, so I'm going
10 to go ahead and grant the petition to revoke as to paragraph 21
11 of the union subpoena.

12 MR. YOUNG: May I be heard?

13 HEARING OFFICER DURYEA: Yes.

14 MR. YOUNG: So the petitioner believes that the
15 documents that are being requested are probative in that number
16 one, the operation in Massachusetts is a transmission and
17 distribution facility just like the operation that is at issue
18 here in New Hampshire. The issue -- both New Hampshire and
19 Massachusetts whose, although they have different titles,
20 individuals to assure safe and reliable electricity delivery to
21 the customers and this issue was thoroughly litigated in a
22 seven day hearing back in around 2015 with respect to the
23 titles in Massachusetts.

24 The request seeks to determine whether there really
25 are any documents that show that there's any difference between

1 the positions at question here and those in Massachusetts. And
2 an answer that would say no responsive documents exist I think
3 would be probative of showing that these are the same positions
4 and would result -- the result in the Massachusetts case was
5 the positions were found not to be supervisory and to be
6 included in the unit.

7 And we think the same -- that's the same issue with
8 regard to the shift supervisors here. So I do believe that the
9 documents are for that matter no documents exist that would be
10 probative.

11 HEARING OFFICER DURYEA: All right. Well, okay.
12 Your position is now on the record. Thank you.

13 All right. So -- and unless there's anything else
14 right now I think that -- well actually, Ms. Ruggiero, do you
15 have any -- do you want to put any response to what Mr. Young
16 just said on the record?

17 MS. RUGGIERO: No. As we stated earlier today off
18 the record these are different operating companies. I can
19 understand Jeff's point that it's the same parent company. We
20 -- both PS&H and NSTAR are subsidiaries of Eversource.
21 However, they are different operating companies. They are
22 operating different systems.

23 And to the extent that both PS&H and NSTAR have
24 transmission and distribution functions, the functions within
25 the departments at issue are different. And if Jeff wants to

1 explore that he can subpoena witnesses and we can go down that
2 path. But it is the company's position that the NSTAR
3 documentation is as we've discussed irrelevant to a
4 determination on this particular matter.

5 HEARING OFFICER DURYEA: All right. Okay. Thank you
6 for that. I think with that, we are prepared to go ahead and
7 resume the petitioner's cross-examination of Mr. Dickie.

8 So, Mr. Dickie, would -- bring yourself up. Hello,
9 good morning, Mr. Dickie.

10 MR. DICKIE: Good morning.

11 HEARING OFFICER DURYEA: Good morning. Let me remind
12 you that you're still under oath. And with that, Mr. Young, do
13 you want to proceed?

14 (Pause)

15 Whereupon,

16 BRIAN DICKIE,
17 was called as a witness having been previously duly sworn, was
18 examined and testified, as follows:

19 CROSS-EXAMINATION, CONT.

20 BY MR. YOUNG:

21 Q Hi, good morning, Mr. Dickie.

22 A Good morning, Mr. Young.

23 Q How are you today?

24 A Good, how are you?

25 Q I'm well, thank you.

1 I have brought up on the -- when we finished last week I
2 was going through with you a comparison of the essential
3 functions in Company Exhibit 5 and 7. I'm not going to
4 continue to do that. The reader of the record can note
5 similarities and differences but I would like to call your
6 attention. I have up on the screen right now of the job
7 description for the operator level 2 which I believe is Company
8 Exhibit No. 7. Do you have that in front of you? Do you see
9 that?

10 A I don't see it, no. No, sir.

11 Q The --

12 MR. YOUNG: Can we go off for a second, please?

13 HEARING OFFICER DURYEA: Sure, off the record.

14

15 (Pause)

16 HEARING OFFICER DURYEA: Back on the record.

17 BY MR. YOUNG:

18 Q Okay. Mr. Dickie, can you now see Company Exhibit 7, the
19 job description for the level 2 operators?

20 A Yes, I can.

21 Q Okay. And if you look there, there's a band way to the
22 right of the document near the top of the document. Do you see
23 that?

24 A Yes, I do.

25 Q And that's a pay band, is it not?

1 A That's my understanding. You know, I'm not an HR person.
2 That's really an HR function, all the bands, right, but it's my
3 understanding it's a pay band.

4 Q Okay. So let's now look at Company Exhibit No. 5 and
5 that's the job description for the shift supervisors or what we
6 call the RSSs, correct?

7 A Correct.

8 Q And look at the band there. The band that they're in is
9 2-A, correct?

10 A That's correct.

11 Q That's the same band as the level 2 operators, correct?

12 A That's correct.

13 Q Okay. When I --

14 A On that point, Jeff, I think I explained, right, there's a
15 -- you know, the band itself, you know, is -- there's a wide
16 spread in it and, you know, as far as what we pay the different
17 positions there are some stratification there between the two.

18 Q So the -- so that the record is clear the shift
19 supervisors and the operator level 2 are in the same pay band
20 although pay bands have a range within them.

21 A That's correct.

22 Q Okay.

23 A Yeah.

24 Q Thank you. So let's take a look now at what I have had
25 marked as Petitioner Exhibit No. 21. See that up on your

1 screen?

2 A Yes, I do.

3 (Petitioner Exhibit No. 21 marked)

4 BY MR. YOUNG:

5 Q And that's the job description for the supervisor electric
6 assistant control center operations, correct?

7 A That's correct. That would be the day shift supervisor --

8 Q Okay.

9 A -- I believe.

10 Q That's -- that was my next -- you anticipated my next
11 question.

12 A Yeah, I know we've been calling them, you know, different
13 terms to try to separate them right, but I think that's the day
14 shift supervisor. I think. You know, I -- it's hard to tell
15 unless -- but I think it is.

16 Q Yeah.

17 A Yeah.

18 MR. YOUNG: I'm going to move for the introduction of
19 Exhibit 21.

20 MS. RUGGIERO: No objection --

21 MR. YOUNG: Petitioner Exhibit 21.

22 MS. RUGGIERO: No objection.

23 HEARING OFFICER DURYEA: With no objection,
24 Petitioner 21 is received.

25 (Petitioner Exhibit No. 21 received)

1 MR. YOUNG: Can we go off the record for a minute?

2 HEARING OFFICER DURYEA: Sure, off the record.

3 (Recessed at 9:58 a.m.; reconvened at 10:09 a.m.)

4 HEARING OFFICER DURYEA: All right. So off the
5 record we had some discussion about some of petitioner's
6 exhibits and the employer agreed to their admissibility. So in
7 the matter of just saving time, I'm going to go through those
8 and receive them now.

9 So we're looking at Petitioner 5 is received.
10 Petitioner 8 is received. Petitioner 11 is received.
11 Petitioner 12 is received. Petitioner 13 is received.
12 Petitioner 15 is received. Petitioner 16 is received.
13 Petitioner 17 is received and that is it.

14 (Petitioner's Exhibit Nos. 5, 8, 11, 12, 13, 15, 16, and
15 17 were marked and received)

16 MR. YOUNG: 21's already in, right?

17 HEARING OFFICER DURYEA: And 21 is already in.
18 That's correct.

19 MR. YOUNG: Okay. I'm ready to resume.

20 HEARING OFFICER DURYEA: Okay. Please go ahead.

21 MR. YOUNG: Thank you.

22 BY MR. YOUNG:

23 Q Mr. Dickie, you still have up in front of you, I hope,
24 Petitioner Exhibit 21, the job description for the -- what we
25 think you said is the day supervisors, correct?

1 A That's correct.

2 Q Okay. And if you look at their compensation grade which
3 is sort of the fourth box down they're in grade 2-B, correct?

4 A That's correct.

5 Q So the day supervisors are in a different grade from the
6 shift supervisors and the level 2 operators who are in 2-A,
7 correct?

8 A That's correct.

9 Q Okay. Let's take a look at -- clear the table that's up
10 there. Give me a moment.

11 So do you now have Petitioner Exhibit No. 15 open in front
12 of you?

13 A Yeah, well, you know, it's -- I'm assuming that's what it
14 is. It doesn't say it in the body, right, but looking up above
15 on the tab it says petition.EX.15 and then it has some dots,
16 right, so I'm assuming that that's what this is.

17 Q Yeah, okay. This is -- I just want to make sure we have
18 the same document --

19 A Okay.

20 Q -- open in front of us. This isn't -- this has been
21 admitted already or received as Petitioner Exhibit 15 and there
22 are several columns on this. The names are blanked out but it
23 includes, for example, job titles and the first group of three
24 that are -- what are commonly known as day supervisors,
25 correct?

1 A Correct.

2 Q And then the next group down are the six shift supervisors
3 or RSSs, correct?

4 A That's correct.

5 Q And then the next group down are the operator level 2s,
6 correct?

7 A That's correct.

8 Q And then the last group is the operator level 1s, correct?

9 A That's correct.

10 Q Okay.

11 HEARING OFFICER DURYEA: Can I just ask, so the
12 blacked out area that -- oh, yes, I see the column is the name
13 so that's the individual employee. All right, thanks.

14 MR. YOUNG: Okay.

15 BY MR. YOUNG:

16 Q And let's look at the column that's entitled 2023 salary,
17 correct? You see where I am?

18 A Yeah, it's like the fourth column from the left.

19 Q Correct.

20 A Right.

21 Q And the -- I can't highlight it. For the day supervisors
22 their salaries range from 151,000 to 161,000 and change,
23 correct?

24 A Approximately, yes, that's correct.

25 Q And the operations shift supervisor salaries range from

1 about 130,000 and change to 133,000 and change, right?

2 A Yes, that -- yeah, almost 134,000. Yep, correct.

3 Q Almost 134. So there's approximately somewhere between a
4 20 to \$30,000 difference depending on where the individuals are
5 in the range between the day supervisors and the shift
6 supervisors, correct?

7 A Well, you know, so a hundred -- the highest one to the
8 lowest one is 134 to 151, that's, you know, like 15, 16,000 not
9 quite 20.

10 Q Okay. And the higher end it's between 130 and 161 which
11 is roughly the 30,000 I was referencing, correct?

12 A Yeah that's correct.

13 Q Okay. And then if you look at the pay for the distance
14 operators there's -- with the exception of one person who's at
15 129,000, the rest of them are all around 123,000, right?

16 A Yeah, that's correct.

17 Q And the person who's at 129,000 is that like the most
18 senior person in the group, if you know?

19 A Yeah, he's like, he's been in the control room for 20, 20
20 or more years. I don't know the exact time period but --

21 Q Yeah.

22 A -- a very long time, a very long time, yeah.

23 Q Okay. So the -- in general with the exception of the one
24 very senior operator 2, the operator 2s are making somewhere
25 between 7 to \$10,000 less than the shift supervisors. Is that

1 fair to say?

2 A Yeah, you know, again that's salary, right, so there's
3 bonus on top of that, right, so which is the total
4 compensation, but yeah.

5 Q Okay.

6 A Yeah.

7 Q We'll talk about the bonuses in a minute. I am --

8 A Okay.

9 Q And the systems operators supervisor level 2 are --
10 operator level 2's salary compared to the day supervisors is
11 somewhere at the low end of about 30,000 putting aside the one
12 very senior operator level 2 and at the high end about 40,000,
13 right?

14 A Somewhere around there approximately.

15 Q Yeah. Now you just mentioned a minute ago that the
16 individuals are paid bonuses, correct?

17 A That's correct.

18 Q And the day supervisors, the shift supervisors and the
19 level 2 operators are all eligible for bonuses annually; is
20 that right?

21 A In the level 1s right, all of them are.

22 Q Actually all of them. I'm leaving the level 1s out but I
23 -- for purposes of this comparison that -- so just to repeat my
24 question, the day supervisors, shift supervisors and level 2
25 operators are all eligible for bonuses, correct?

1 A Yes.

2 Q Okay. And in the 2023 bonuses all of the day supervisors
3 got larger bonuses than the operations shift supervisors,
4 correct, or equal to in one instance?

5 A So can you repeat the question? The -- go ahead, can you
6 repeat the question, please?

7 Q Yeah, sure. In 2023 --

8 A Yeah.

9 Q -- the day supervisors all received larger bonuses than
10 the shift supervisors with one exception who got the same
11 amount, 17,000 is the least bonus for the -- one of the day
12 supervisors, correct?

13 A That's correct.

14 Q Okay.

15 HEARING OFFICER DURYEA: Mr. Young, these comparisons
16 of rates, you know, certainly the document is going to speak
17 for itself. I'm not sure if we need to go through that with
18 this witness.

19 MR. YOUNG: Okay. I'll move on then. Thank you.

20 BY MR. YOUNG:

21 Q Let's go back then to Petitioner Exhibit 21. That's the
22 job description that's been admitted for the day supervisors,
23 correct?

24 A Correct.

25 Q Okay. And then let's -- I'm going to scroll down there to

1 page 2 where it has the essential functions. Do you see where
2 I am?

3 A Yes.

4 Q Okay. And give me one moment, please. Get out my hard
5 copy.

6 I wanted to call your attention, Mr. Dickie, to the fifth
7 line down where it says effectively allocates workload among
8 off shift system operators.

9 A Uh-huh.

10 Q See that column? Is that for the operators who are off
11 duty and potentially on call?

12 A No, no, I don't think that's off duty. I believe that
13 refers to when they're off shift, right. So there are six
14 teams, right and there's a six-week schedule, right. They work
15 a rotating schedule where they work nights, days, nights, days
16 and then in that six-week schedule there is what we call a
17 spare week where those operators may be used to, you know, fill
18 in for vacations, you know, fill in for operators who have an
19 appointment, whatever it may be, right, or to help in storms,
20 right, if they're available.

21 And then there's a training week, right. So every quarter
22 they're -- each team goes through a one-week spread where they
23 have classes every day and get training on, you know, system
24 conditions, outages that we've seen, you know, various NERC and
25 procedural guidelines.

1 They get training in a simulator simulating system
2 conditions, simulating black outs. It ranges a whole bunch of
3 different things so, you know, that workload on the off shift
4 system operators would I think entail those two weeks because
5 you're only doing, you know, every cycle there's that training
6 week but then there's other weeks where there's no training
7 when they're on that training week, right.

8 So, you know, we try to get out to area work centers when
9 -- on their safety meetings when they're out there. You know,
10 get the operators into the field a little bit. Try to get, you
11 know, some face time with the crews, try to get familiar with
12 equipment. They'll go out and visit substations and look at
13 the equipment that they operate remotely so they have a more
14 innate understanding, right, of what they're doing, you know,
15 from a remote perspective, right. So that would kind of lend
16 itself to that.

17 Q I'm trying not to cut you off, sir. I used the term off
18 duty and you used the word off shift. Are those two -- I was
19 referring to off duty as people who weren't on the schedule.

20 A Yeah, so off shift is a little bit different than off
21 duty. Off shift is when they're not on shift.

22 Q Okay. But it doesn't mean that they're off duty.

23 A No.

24 Q Okay. Thank you for that correction.

25 A I -- yeah.

1 Q Okay. When -- I'm going to use the term now that you've
2 distinguished between off duty and off shift. I think you
3 testified that the shift supervisors can call in off duty
4 personnel; is that correct?

5 A That's correct.

6 Q Okay.

7 A It could be off shift too.

8 Q Okay.

9 A Yeah, it could be off shift, right.

10 Q Don't the shift supervisors before calling in anyone who's
11 off duty have to first check with the day supervisor before
12 doing so?

13 A They may check in with the day shift supervisor. They may
14 have a conversation with them. They, you know, who's
15 available? I, you know, I couldn't tell you specifically they
16 do it every time. I don't know.

17 Q Is it your testimony that the -- I'm sorry, let me start
18 over.

19 Is it your testimony that the shift supervisors can call
20 in off duty personnel without the agreement of the day
21 supervisor?

22 A I believe that's the case, they can. Now I don't know of
23 any rule that states they have to call the day shift supervisor
24 and maybe I'm not the one to answer that question.

25 Q Okay.

1 A Right.

2 Q You're saying that you're not aware of any rule. Are you
3 aware of any practice as opposed to a written rule that the day
4 -- right, that the shift supervisors in practice always call
5 the day supervisor before anyone off duty is called in?

6 A I'm not aware of any rule that they always do that, no.

7 Q Okay. You don't know one way or the other?

8 A Yeah, I mean, the word always in there, I don't -- so I
9 don't know. I mean, I don't know.

10 Q Okay. Good enough.

11 One moment please.

12 Let's go down to the bullet point that is two below that
13 that says monitors the conduct and progress of new staff
14 members in on-the-job training. Do you see that?

15 A Yep.

16 Q And actually let me back up for a minute to we were
17 distinguishing between off duty and off shift. Do you know
18 whether if there's some kind of a vacancy or in terms of
19 affecting the allocation of the workload. I'm highlighting
20 again the bullet point there. Do you see that?

21 A Oh, you highlighted two of them --

22 Q Accidentally highlighted part of the sixth one, but I'm
23 focused on the highlighted of the fifth bullet point, okay?

24 A Okay.

25 Q Okay. Another operator error on my part. The --

1 A So you said the fifth one or --

2 Q Yeah.

3 A -- the fourth one?

4 Q Fourth one, workload.

5 A Okay. So that's the bullet point. Yeah, okay, I'm with
6 you.

7 Q Okay.

8 A All right.

9 Q So the same series of questions that I asked you about
10 allocation or calling in of the off duty operators, when the
11 shift supervisor reassigned work to an off shift operator.

12 A Yes, they'll continue coverage and we can't find anybody
13 that could call an off shift operator, yeah.

14 Q Do you know whether they first would have to before doing
15 so, get the agreement of a day shift supervisor to do that?

16 A That I don't know. Like I said I would think they would
17 have -- there would probably be a conversation between the two,
18 right, because they work, you know, as a team as a partner.
19 You know, the day shift supervisor may know something about an
20 off shift that the rotating shift supervisor doesn't, right,
21 like any other workplace, but you know, the -- I think the
22 rotational shift supervisor would call that person in, whomever
23 it may be. I don't know.

24 HEARING OFFICER DURYEA: Let me just clarify here.

25 So what we're looking at right here, Petitioner 21, is the job

1 description for the day shift supervisor; is that right?

2 THE WITNESS: Correct.

3 HEARING OFFICER DURYEA: Okay. All right.

4 THE WITNESS: Oh, it's a day shift, okay. Right
5 so --

6 HEARING OFFICER DURYEA: I'm asking because, Mr.
7 Young, you seem to be asking questions about the ability of the
8 rotating shift supervisors appealing to -- it seems to me like
9 your questions are as if what we're looking at in 21 was the
10 description for the rotating shift supervisor so --

11 MR. YOUNG: No, I'm -- I'm sorry if -- go ahead. I
12 interrupted.

13 HEARING OFFICER DURYEA: No, no, just slightly
14 confused.

15 MR. YOUNG: Okay. I'll try to make it clear what I'm
16 trying to point out.

17 HEARING OFFICER DURYEA: Okay.

18 MR. YOUNG: Is that, this says the day supervisor
19 effectively allocates the workload among off shift system
20 operators and Mr. Dickie has testified that that could be done
21 by the -- or he thinks it can be done by the shift supervisors.
22 And my point is that to do that, I think his testimony, if I've
23 fairly characterized it, that while he thinks that the shift
24 supervisors can do that without first consulting with the day
25 supervisors, he thinks that that's generally what happens.

1 THE WITNESS: Yeah, so and I guess I was confused on
2 the way it was -- the question was posed, right.

3 So I think logically, right, if you had a rotational
4 shift supervisor that was on shift and they were looking for an
5 off shift operator to do something, they would probably have to
6 go through the day shift supervisor to do that, just logically
7 right.

8 Does it happen? Is it an always statement? I don't
9 think anything's an always statement, right. I mean, they work
10 as a team, right, but you know, for an off shift -- because a
11 rotating shift supervisor may not know -- that's on shift may
12 not know what the status is of an off shift operator.

13 BY MR. YOUNG:

14 Q I'm sorry if I confused you before.

15 A You did a little bit.

16 Q I gather your answer would be the same with regard to the
17 off duty operator and the role between the on duty shift
18 supervisor and the day supervisor.

19 A Yeah, so I don't -- I'm not really sure I understand that
20 question, you know.

21 Q Okay. Is there -- let me ask it this way. You just
22 testified about the roles between the shift supervisor and the
23 day supervisor with respect to the off shift systems operators.
24 My question is, is there any difference between how that would
25 be handled with respect to the operators, off duty operators?

1 A And again, I'm having trouble, you know, correlating that,
2 right. So can you ask it again because I'm not sure I'm
3 getting you?

4 Q Sure. You just testified as to the respective roles of
5 the shift supervisors and the day supervisors with respect to
6 allocating workload among off shift system operators. My
7 question is, is there any difference with respect to their
8 roles in allocating work to off duty operator?

9 A So -- well that's why I'm confused. So when I'm thinking
10 of off shift, right, so off duty there -- no, you're right. I
11 think there would be no difference, right, yeah, I think that's
12 correct.

13 Q Okay. Thank you.

14 A Okay.

15 Q All right. Now let's go down. I am going to -- this time
16 purposefully, hopefully highlight two of the bullet points
17 which are bullet points 7 and 8 with regard to -- see those two
18 that are highlighted?

19 A Yes, I do.

20 Q So one of the roles of the day supervisor is to monitor
21 the conduct and progress of new staff members in on-the-job
22 training, correct?

23 A That's correct.

24 Q The other role is to -- another role is to approve
25 training materials approved by the resource training group,

1 right?

2 A That's correct.

3 Q And there's a whole separate training department; is there
4 not?

5 A That's correct.

6 Q And I think you testified last week that the shift
7 supervisor sign off on the training; is that correct?

8 A On the Qual cards, that's correct.

9 Q The Qual cards, all right. So let's look first at
10 Petitioner Exhibit 16 and these are the -- are they not, the
11 modules that the new hires, the trainees have to learn,
12 correct?

13 A Yeah, that's correct. I'm not sure, you know, what you
14 have there is all inclusive because I haven't seen this but
15 yeah it looks like, you know, those are various things for a
16 new hire.

17 Q What you call -- what are called modules.)

18 A These are modules. These are -- I don't think these are
19 the Qual cards but I think they're --

20 Q Oh.

21 A -- training modules, that's correct.

22 Q I'm going to show you the Qual cards in a minute --

23 A Okay.

24 Q -- but these are the training modules and activities that
25 the new trainees have to go through, correct, before --

1 A That's correct. And there's two different components to a
2 new hire, right, there's when they initially come in they, you
3 know, typically will complete a bunch of course work before
4 they're put on a team, right.

5 Q Yeah.

6 A So I think some of this is they got to -- some of this is
7 the pre-shift training stuff that they're doing.

8 Q See in the far right that there's a column that's headed
9 complete.

10 A Yep.

11 Q Do you know whether the shift supervisors are the ones
12 that -- when that's completed, it's supposed to be initialed or
13 filled in by someone, correct?

14 A That's correct.

15 Q And no --

16 MS. RUGGIERO: I'm sorry. That question, Jeff, I
17 didn't -- can you repeat that?

18 MR. YOUNG: Sure, sure.

19 BY MR. YOUNG:

20 Q The column that says complete when the trainee has
21 accomplished the activity, somebody signs or initials that the
22 trainee has completed that activity and -- correct?

23 That's correct, Mr. Dickie?

24 A Yeah, I think there's someone that completes it. Now
25 whether it's the -- what I don't know does the -- I don't think

1 it's the trainee that signs off on it, but, yeah, I think
2 someone signs it, it could be the training department.

3 Q Right. That was my next question. Is that signed off --
4 obviously the trainee doesn't sign it, it's signed off by
5 someone in the training department, correct?

6 A I believe some of this, maybe not all of it but I believe
7 some of it.

8 Q And do you know whether a shift supervisor can sign off on
9 that?

10 A I don't know.

11 Q Okay. Thank you.

12 HEARING OFFICER DURYEA: If I could just interject
13 here a moment. Because we have sort of somewhat similar
14 terminology for different positions we have what's been called
15 a day shift supervisor and what has been variously called the
16 rotating shift supervisor and the operations shift supervisor.
17 I think that just referring to shift supervisor, I just want to
18 make sure that the record is clear, is -- for instance, your
19 question just now was -- or had to do with just shift
20 supervisor without specifying which shift supervisor we're
21 talking about. So I just want to make sure that we're careful
22 which position we're talking about as we go through.

23 MR. YOUNG: I appreciate that. If you recall, I
24 think I said at the very beginning when I began examining Mr.
25 Dickie that when I use the term shift supervisor, which is what

1 the -- you will hear that the employees use, not RSS but I'm
2 referring to the same thing as what Mr. Dickie has testified is
3 the RSS.

4 HEARING OFFICER DURYEA: Yes, thank you. I do
5 remember that now. Thank you.

6 MR. YOUNG: And I'm specifically avoiding using RSS
7 although sometimes I may, and I'm using shift supervisor
8 instead because that's what the employees will testify is the
9 terminology that they use.

10 HEARING OFFICER DURYEA: All right.

11 MR. YOUNG: Okay. One moment.

12 BY MR. YOUNG:

13 Q Let me bring up the Qual card that you mentioned. So many
14 different things up here, right. One moment.

15 (Pause)

16 MR. YOUNG: I'm trying to --

17 Q You don't have 17 up, do you, right now?

18 A Are you talking to me?

19 Q I was but I think I figured it out what the problem is.
20 Okay. Now, do you have it?

21 HEARING OFFICER DURYEA: That does look like
22 Petitioner 17 is up now, yeah.

23 MR. YOUNG: Yeah, okay. Took me a minute to figure
24 out the technology to do that.

25 BY MR. YOUNG:

1 Q So Exhibit 17 is a Qual card that you were referring to a
2 few moments ago; is that right?

3 HEARING OFFICER DURYEA: Maybe go back to the title
4 page might be helpful.

5 MR. YOUNG: This -- I'll represent that -- I don't
6 know that it says this but if you go back to Petitioner Exhibit
7 16 the very last page references attachment D, completed
8 qualification card and the employer provided Exhibit 17 to me
9 and said that that's the qual card. Can we agree to that,
10 Angela?

11 MS. RUGGIERO: I would agree to that. I just don't
12 know to what extent this witness can speak to that.

13 MR. YOUNG: Okay. Then we'll see about that.

14 MS. RUGGIERO: Sure.

15 MR. YOUNG: Okay. So Exhibit 17 for the record is
16 the qual card, qualification card which is referenced at page 5
17 of Petitioner's Exhibit 16 as attachment B.

18 BY MR. YOUNG:

19 Q And, Mr. Dickie, this -- if you turn to page 5 or is that
20 page -- no page 6, excuse me, this is actually using the term
21 qualification card. Do you see that?

22 A Hold on.

23 Q Sure.

24 A I mean, I don't know if that -- I don't know. I guess I -
25 - there's no context to that. I don't know if it's up above.

1 Q If you need to take a moment and look at it, I certainly
2 want to give you the opportunity to do so. Would you like to
3 look through the whole document, sir?

4 A Yeah, I -- I mean, so I don't have anything up on my
5 computer. I just have to go by what you have on the screen
6 here.

7 Q Unfortunately because we're doing this by video, I can't
8 --

9 MS. RUGGIERO: I'll send you a copy right now.

10 THE WITNESS: Okay.

11 MS. RUGGIERO: 17?

12 MR. YOUNG: Yes, Angela.

13 MS. RUGGIERO: Okay. Brian, if you want to take a
14 minute to look at that. Can we just take a quick bio break?

15 HEARING OFFICER DURYEA: Sure that's fine. How long
16 do you want?

17 MS. RUGGIERO: Not even five minutes.

18 HEARING OFFICER DURYEA: Okay. Let's -- well let me
19 see. So it's 10:47 right now. Why don't we come back at
20 10:52.

21 MS. RUGGIERO: Fine.

22 HEARING OFFICER DURYEA: Okay. All right. Off the
23 record.

24 (Recessed at 10:47 a.m.; reconvened at 10:54 a.m.)

25 HEARING OFFICER DURYEA: All right. Back on the

1 record.

2 THE REPORTER: On the record at 10:54 a.m.

3 BY MR. YOUNG:

4 Q Mr. Dickie, have you now had an opportunity to review
5 Petitioner Exhibit 17?

6 A Yes, I have.

7 Q And first of all Petitioner Exhibit 17 is a -- pertains to
8 three states, correct? It includes New Hampshire but also
9 Massachusetts and Connecticut, correct?

10 A That's correct.

11 Q And it also -- I know we were talking in Exhibit 16 about
12 the training checklist for the new hires or trainees. Exhibit
13 17 is actually the checklist or pertains to moving from a level
14 1 to a level 2 operator, correct?

15 A That's correct.

16 Q Okay. And there are a number of tasks that the level 1
17 operator has to complete, correct? This is starting on page 10
18 of the document that the level 1 operator has to complete
19 before he is ready to potentially move to a level 2, correct?

20 A That's correct.

21 Q And those tasks in the -- you see where it says signature
22 on it, the document?

23 A Yes, I do.

24 Q So that signature could be provided by a shift supervisor;
25 is that right?

1 A That's correct.

2 Q It also could be provided by an operator; is that right?

3 A I believe so, yes.

4 Q Okay.

5 A A level 2 operator.

6 Q Well I'm -- fair enough.

7 I want to go back to page 7 of the document.

8 A Of Exhibit 17?

9 Q Yes, I'm sorry, I'm still on Exhibit 17. Thank you.

10 A What page, 2?

11 Q No, page 7, sir.

12 A 7.

13 HEARING OFFICER DURYEA: Are you talking about the
14 PDF page or the page that's displayed at the bottom of --

15 MR. YOUNG: Fair enough. I'm looking at the -- yeah,
16 I see what the confusion is. I'm going based on the page
17 number of the PDF in the document that shows at the top of the
18 page.

19 THE WITNESS: Yeah, which is page 2 of the document,
20 right?

21 MS. RUGGIERO: Do you want to just --

22 BY MR. YOUNG:

23 Q It says 2 of 36 at the bottom --

24 A Yeah.

25 Q -- of the document, yeah.

1 A Okay.

2 Q We're on the same -- okay. So I'm looking under the
3 heading personnel. Do you see that?

4 A Yes, I do.

5 Q Okay. And the first group says operations center
6 supervisor and then it lists different job titles, convex,
7 senior super transmission control room in Connecticut, senior
8 supervisor transmission control room in Massachusetts, and
9 supervisor electric system control center operations in New
10 Hampshire, correct?

11 A That's correct.

12 Q And those are -- the last title, the system supervisor
13 control center in New Hampshire, that's the day supervisor,
14 right?

15 A I -- you know, I believe so but I'm not sure.

16 Q Let's go back and look.

17 A I wasn't involved with the development of this document so
18 I -- yeah, okay.

19 Q Just to go back to Exhibit 21 you see where that has the
20 same title there, supervisor electric systems control center --

21 A I'm not -- I don't -- I guess I don't -- are you showing
22 something on your screen now?

23 Q Yes. You don't have Exhibit 21 on your screen right now?

24 A No. No.

25 Q Okay. I'm sorry. I thought all these documents were on

1 the shared screen already and I was just toggling back and
2 forth.

3 A Oh, no, I was -- so you were referring to my -- so I --
4 maybe it's mine. So they sent me, you know, Exhibit 17 --

5 Q Right.

6 A -- but I've been looking through it as you've been
7 talking. But you've never had anything up on the screen.

8 Q Okay. I just put on the screen. I'm sorry. Hopefully
9 it's on your screen.

10 A I don't see it.

11 HEARING OFFICER DURYEA: It's not up there yet.

12 MR. YOUNG: Okay. Let me go back then because maybe
13 I need to reshare my screen again. Is it there now?

14 HEARING OFFICER DURYEA: Not yet.

15 MR. YOUNG: No.

16 HEARING OFFICER DURYEA: Is there --

17 MR. YOUNG: Oh, I think I have to hit share.

18 HEARING OFFICER DURYEA: Yeah, there you go.

19 MR. YOUNG: There we go, okay. Sorry. I think when
20 we took a break I -- everything got left down and I had to go
21 back.

22 BY MR. YOUNG:

23 Q Okay. I apologize, Mr. Dickie.

24 Now do you have Petitioner Exhibit 21, the day shift
25 supervisor job description on your screen?

1 A Yes, I do.

2 Q And then looking at -- it says that -- gives a job profile
3 name supervisor electric system control center operation,
4 correct?

5 A That's correct.

6 Q Now going back to Petitioner Exhibit 17 which -- is that
7 on your screen? I know you have a hard copy as well.

8 A Yes, it's on the screen now that you're showing. Yeah.

9 Q And that's the same title there under personnel number 1
10 as --

11 A Yeah, I believe so with the exception of the comma.

12 Q Okay. Thank you.

13 A Okay.

14 Q All right. And now let's look at the title transmission
15 system operator which I've highlighted on Petitioner Exhibit
16 No. 17, which you also have in front of you. I am on page 7 of
17 41 of the PDF document. Do you have that?

18 A I'm looking at it on the screen, yeah. Yep.

19 Q And that -- and that lists different job titles for
20 transmission system operators in Connecticut, Massachusetts,
21 New Hampshire, correct?

22 A That's correct.

23 Q And in Connecticut the transmission system operator, who
24 we referred to alternatively is the chief of shift senior
25 systems operations supervisor and/or system operations

1 supervisor, correct?

2 A That's correct.

3 Q And in Massachusetts, those individuals are given the
4 title alternatively of system operations supervisor -- no,
5 strike that. Are given the title of lead transmission system
6 operator and/or transmission system operator, correct?

7 A That's correct.

8 Q Okay. And then in New Hampshire, those operators are
9 given the title of alternatively system operations supervisor
10 or operation shift supervisor, also OJT instructor and
11 instructor, correct?

12 A Well, that's what it says on the page, that's correct.

13 Q Okay. If you know, the three -- well, strike that.

14 The systems operations supervisor is who we've been
15 calling here the operator level 2 or level 1 in New Hampshire,
16 correct?

17 A I -- yeah, I don't know.

18 Q Okay. You need to go back and see the job titles again.

19 A Yeah, I'm -- well, so what I don't know is I didn't
20 develop this document, right, so you know, I'm assuming that's
21 what it is because that's what their title is, system
22 operations supervisor for the level 1 and level 2.

23 Q Okay.

24 A Yep.

25 Q I understand you didn't develop it, but that is the title

1 that is given in New Hampshire, correct?

2 A Yeah, that's correct.

3 Q The operation shift supervisor in New Hampshire is the one
4 that I've been calling shift supervisor and you've been calling
5 RSS, correct?

6 A I believe that's correct.

7 Q Okay. And we're all in agreement that the systems
8 operation supervisor, New Hampshire, are in the bargaining
9 unit, correct?

10 A The system operations supervisor are -- is nobody in the
11 bargaining unit.

12 Q I'm sorry, I'll rephrase my question.

13 The systems operation supervisor operators are the ones
14 that the parties have agreed if they go to -- that are the
15 subject of the petition that everyone agrees will vote in the
16 election whether to be represented by the union, correct?

17 A Well, I don't -- so I think -- well, you're referring to
18 why we're here, right, the rotational shift supervisor or what
19 you'd call the operation shift supervisor is what we're looking
20 to exclude, right. And the system operations supervisor, you
21 know, we're not trying to exclude those. Is that -- does that
22 answer your question?

23 Q I think so, yes.

24 A Okay.

25 Q And the company's position here is that the operation

1 shift supervisors in New Hampshire should be excluded from
2 participating in the election and being represented in the
3 bargaining unit with the employees. That's the central issue
4 here, correct?

5 A That's correct.

6 Q Okay. Do you know whether the chief of shift in your
7 systems operations supervisor and/or systems operations
8 supervisor are part of the bargaining unit in Connecticut and
9 by the IBEW?

10 A Yeah. So I think they are, but again, I don't -- you
11 know, I don't know, I don't really have much to do with how
12 they operate in Connecticut or Mass.

13 Q Okay.

14 A But I think they're part of the bargaining unit.

15 Q And do you know whether the lead transmission systems
16 operator and transmission systems operator in Massachusetts are
17 part of the bargaining unit represented by the Utility Workers
18 Union there?

19 A That I don't know. I think the transmission system
20 operator 1, 2, 3, 4 is. I don't know about the lead
21 transmission system operator, I don't know.

22 Q Okay.

23 MR. YOUNG: One moment, please.

24 (Pause)

25 MR. YOUNG: I'll be right with you. I'm trying to

1 find a document. I'm not sure if it's on the screen, it's
2 Petitioner's Exhibit 7 on the screen.

3 MS. RUGGIERO: Yes, but we just got into this
4 document.

5 MR. YOUNG: Is it on the screen, I'm sorry?

6 THE WITNESS: Well, it says Petitioner E and then . .
7 ., so I don't know what number.

8 BY MR. YOUNG:

9 Q Well, I'll represent that it has at the top of it October
10 15, 2019.

11 A Yeah, that's right.

12 HEARING OFFICER DURYEA: And just to clarify, this
13 has not been admitted.

14 MR. YOUNG: Right. It's been marked as an exhibit.

15 HEARING OFFICER DURYEA: Uh-huh.

16 BY MR. YOUNG:

17 Q And if you -- I'm scrolling down to page 2, it's not
18 highlighting for me, but if you look under number 1 it says --
19 you see the title lead transmission system operator.

20 A Under the transmission outage coordinator, yes, I do.

21 Q Do you know now whether they are part of the lead
22 transmission system operator in Massachusetts that's part of
23 the unit.

24 A Is it? So I -- what -- is this -- I don't know what
25 agreement, is this Connecticut agreement or Mass agreement?

1 Q No, it's Massachusetts. If you look at the very -- scroll
2 up to the top page between NSTAR and Eversource Energy, a
3 Massachusetts Corporation and the Utility Worker's Union of
4 America.

5 A Oh, okay. Okay.

6 Q Now, I'm asking you if you know after looking at this
7 document do you agree that the lead transmission system
8 operators are part of the bargaining unit in Massachusetts?

9 A It looks to be that way, yep.

10 Q Thank you. I want to go back to Petitioner Exhibit 17.
11 No, I'm sorry, that's the wrong one. That's 21, that's the day
12 shift supervisor job description. And actually, I don't think
13 we need to have the exhibit open, but I'll leave it up.

14 Mr. Dickie, do you know, is there a cell phone that is
15 kept in the control center for use by the shift supervisors?

16 A Yes, there is. Yes, a separate cell phone, yes, there is.

17 Q Right. And it's a single -- they don't -- the shift
18 supervisors all have -- are issued their own cell phones by the
19 company. There is one cell phone that's kept in the -- let me
20 finish the question, in the control room for use by the shift
21 supervisors, correct?

22 A Yeah, I believe there's two. There's one in the main
23 control room and one in the back up control room I believe.

24 Q And the -- that phone is used to communicate off system
25 between the shift supervisors and higher management, including

1 the day supervisor, correct?

2 A So I can't speak on how they use it all the time. I do
3 know it's there for, you know, communication outside of, you
4 know, using the other means of communication. So the other
5 means of communication, right, there's no texting capability
6 which everybody likes to do now, it's quicker, right, so that's
7 really one of the reasons why we got those cell phones there,
8 you know, textable, you know, like Smart phones, right.

9 Q Yeah. So these cell phone or cell phones that are in the
10 control center are for use by the shift supervisors so that
11 they can communicate, among other things, by texting and the
12 like with the day shift supervisors, correct?

13 A Well, I think they would -- it's not only the day, there's
14 other people that would --

15 Q Right, I just want to --

16 A -- too, yeah.

17 Q I understand that. I'm trying to break the question down
18 into pieces.

19 A Oh, okay.

20 Q One use -- let me try it this way. One use of a cell
21 phone in the control center is for use by the shift supervisors
22 who communicate with the day shift supervisor.

23 A I would agree with that.

24 Q Okay. That cell phone could also used by the shift
25 supervisors who communicate with individuals who are higher up

1 in the hierarchy at Eversource in New Hampshire, correct, and
2 the day title --

3 A Well, I don't think they necessarily have to be higher up,
4 but yeah, they'd use it to communicate with other people.

5 Q They could use it, for example, if necessary, to
6 communicate with you, correct?

7 A I've communicated with them on it before, yeah.

8 Q And that was a yes?

9 A Yes, yes.

10 Q And they can communicate and use it with Mr. Dionne,
11 correct?

12 A That's correct.

13 Q And I'm sorry, there's another individual in that
14 reporting chain between you and the shift supervisors and I'm
15 blanking on his name.

16 A Mr. Cloutier.

17 Q Mr. Cloutier. They can use it to communicate with Mr.
18 Cloutier, correct?

19 A That's correct.

20 Q And is it fair to say that that phone can be used by the
21 shift supervisor to communicate at all hours of the day and
22 night with the day shift supervisors?

23 A That's correct.

24 Q And it could be used for the same purpose to communicate
25 at all hours of the day or night needed with you and Mr.

1 Cloutier and Mr. Dionne?

2 A That's correct.

3 Q Okay. I'm on Petitioner's Exhibit 21, the job description
4 of the day shift supervisor. So under essential functions on
5 page 4 of the PDF, and we had talked a few moments ago about
6 bullet points about training and I'm now looking at the next
7 bullet point which reads subject matter, expert, in providing
8 operational last guidance to operations support group. Do you
9 see that?

10 A Yes, I do.

11 Q Okay. So the day shift supervisor is the expert in
12 providing that operational last guidance to the operation
13 support group, correct?

14 A So they are an expert, they are not the expert.

15 Q Okay. An expert.

16 A An expert, yeah.

17 Q The operations support groups is a reference to the area
18 16's'; is that right?

19 A The operations support groups, you know, so I'm not sure,
20 right. So we used to have an operations support group that was
21 the group that maintained the SCADA systems, the IT, engineers,
22 they -- you know, we had, you know, other electrical engineers
23 that maintained the SCADA system, communication system and all
24 the stuff associated with, you know, SCADA functionality.

25 Q Okay. So that bullet point you're saying may be a

1 reference not to the six --

2 A I think that bullet point is in reference to -- so
3 remember when we talked about -- you know, so if there's a
4 problem on the overnight, the RSS would put it on their log or
5 on the nightly trouble report, you know, we had this device
6 didn't communicate properly, whatever it might be, right.

7 It made be a SCADA issue, right, where the communications
8 didn't work properly or something like that. And we talked
9 about how the day shift supervisors, one of their
10 administrative functions is to follow up on that, right.

11 So they would kind of be the subject matter expert telling
12 the SCADA people, look, this is what we saw, this is what we
13 had for alarms, and this is what this particular device is
14 doing. I believe that's what this bullet point is referring
15 to. And we used to call that group -- you know, the operations
16 support group and in 2022 I think, yeah, 2022 they transferred
17 over to a three state centralized grid mod group, an
18 engineering group for all three states.

19 Q That's New Hampshire, Massachusetts and Connecticut.

20 A I mean, you know, they're still located in each state, you
21 know, but they're under a central director grid mod and under
22 engineering.

23 Q Okay. So the operations support group, which groups are
24 being referred to Petitioner Exhibit 21, the bullet point under
25 essential functions you think is different from the six groups

1 of shift supervisors and operators.

2 A That's my interpretation, right. And again, this goes
3 back to their -- you know, their administrative function on the
4 day where they follow up on various things that happen on the
5 shift.

6 Q Okay. Now, let's go to the next bullet point then on
7 Petitioner's Exhibit 21 and I've highlighted it and I'm having
8 trouble not highlighting part of the next bullet point, but the
9 bullet point I'm referring to is provides guidance to system
10 operators in the resolution of system operation issues,
11 including personnel, equipment, safety, reliability, adherence
12 to operating requirements and congestion management. Do you
13 see that?

14 A Yes, I do.

15 Q Okay. So that's part of the job of the day supervisors is
16 to provide guidance to the systems operator in the areas that
17 are outlined there in the bullet point, correct?

18 A Yeah. I mean, so they're to provide help, right, on any
19 kind of operating issue that they may have innate knowledge of,
20 correct.

21 Q And the last one under essential functions here, the day
22 shift supervisor on the next bullet point down, provides input
23 to management for the development of operating policies and
24 procedure, correct?

25 A Correct.

1 Q And those operating procedures and policies, let's talk
2 about those for a moment. I'm going to take down all these
3 exhibits.

4 What I want to show you now, sir, is Petitioner Exhibit 12
5 and do you see that yet on your screen?

6 A Yes, I do.

7 Q Petitioner Exhibit 12 is a list of plus or minus 25
8 operating procedures and this has been received into evidence.
9 Those are operating procedures that the day shift supervisors
10 would have under the job description Exhibit -- Petitioner's
11 Exhibit 21 that we just looked at that they would have input
12 into, correct?

13 A Right. And I would say all the operators would have input
14 into it. I mean, if there has to be a change on anything they
15 would bring it up and we'd review it to see if there should be
16 a change.

17 Q The day shift supervisor specifically says that on their
18 job description, correct?

19 A It does, that's correct.

20 Q Okay. The operators and for that matter the shift
21 supervisors are RSS', all have to adhere to these various
22 operating procedures, correct?

23 A Everyone has to adhere to these operating procedures, yes.

24 Q And looking at the Exhibit 13, that's a list of the ESOP,
25 correct?

1 A Yeah, I'm on ESOG, yep.

2 Q Is that a one spotted guideline and the other ones are of
3 ESOPs, is that it?

4 A No, the ESOG is a glossary of terms.

5 Q Okay.

6 A Right, so you know, just based on all the acronyms and how
7 complex what we do is, you actually need a, you know, a
8 dictionary to tell you a glossary of terms.

9 Q Good enough, thank you for that. So -- but the day
10 supervisor who is -- job description Exhibit 21 would have
11 input into these ESOPs that are in Petitioner Exhibit 13,
12 correct?

13 A Yep. Yes.

14 Q And the -- and these ESOPs, by the way, are not limited,
15 are they, to New Hampshire, but they are applicable to
16 Eversource's operations in New Hampshire, Connecticut and
17 Massachusetts, correct?

18 A That's correct. All the ESOPs are, you know, a global, if
19 you will, procedure.

20 Q Okay.

21 A Yeah. With the exception of, with the exception of, when
22 you look on that, right, is ESOP 12, which is a voltage and
23 reactive control and then they break out 12.1, 12.2, 12.3 --

24 Q Right.

25 A -- and that's because each state, you know, operates, you

1 know, uniquely, right, with the machines that are located in
2 the state and the reactive resources that they had, that -- at
3 their -- you know, on their SCADA system.

4 So, you know, there's an overall standard for voltage and
5 reactive control, you know, dictated by NERC, right, and then
6 we take the NERC standard and make it more specific so it's
7 easier to understand. Some of the NERC language is very broad
8 and it's hard to understand, so you know, it's for the whole
9 country, right, so we try to break it down and make it more
10 understandable and then, you know, the individual states
11 obviously have different reactive resources.

12 So, you know, ESOP-12, right, is kind of a general voltage
13 and reactive for everybody. And then ESOP 12.1 is just for
14 Connecticut. 12.3 is just for NSTAR and 12.Q is for the ESCC.
15 And I don't think that one's approved it. I think that one's
16 still in draft mode. So I haven't seen the official copies of
17 those yet.

18 Q You --

19 A I'm not sure those are active yet, that's what I'm getting
20 at.

21 Q Let me -- let's not talk over each other.

22 A Okay.

23 Q Did you want to say something further?

24 A Yeah. And then there is some ones that -- they're double
25 listed, right, so you know, ESOP 100 is listed, you know, about

1 a third of the way down. And then if you look on the bottom
2 it's about three-quarters of the way down, for whatever reason
3 there's a double listing of it. ESOP 100.1, ESOP 125 is double
4 listed, ESOP 99, ESOP -- so there's some double listings in
5 here, I don't know why.

6 Q Okay. But in terms of -- first of all with regard to ESOP
7 12 and 12.1, 12.2 and 12.3, you're not sure whether those have
8 been formally adopted, correct?

9 A I don't -- yeah, I just don't know if they have. Right.
10 You can look on the dates, it says February 9th, 2023. You
11 know, one of the operators would know better than me, or
12 someone in the control room operations would know better than
13 I.

14 Q Okay. But putting that one aside and the fact that
15 there's some duplicates in Petitioner Exhibit 13, the operators
16 and shift operators would all be expected in New Hampshire to
17 follow these procedures, ESOP procedures, correct?

18 A Yes, that's correct.

19 Q I'm going to show you next what's been received as
20 Petitioner Exhibit --

21 MS. RUGGIERO: Can we off the record for one second?

22 MR. YOUNG: Sure.

23 HEARING OFFICER DURYEA: Sure.

24 MS. RUGGIERO: Yeah, can you go back to that e-mail
25 you just had on the screen.

1 THE REPORTER: We are off the record, 11:30 a.m.

2 (Paused)

3 HEARING OFFICER DURYEA: Back on the record.

4 THE REPORTER: On the record at 11:31 a.m.

5 BY MR. YOUNG:

6 Q Now, you have up on your screen Petitioner Exhibit 11,
7 sir.

8 A Yes.

9 Q And last week you testified that a shift supervisor was
10 disciplined of the acts of a reporter who reported to him, I'm
11 paraphrasing. Do you remember that testimony?

12 A Yeah. I don't think I said they were disciplined, I said
13 we would discipline a shift supervisor, right, and I think I
14 said, I didn't recall, you know, any specific discipline,
15 although there was an incident on the system, you know, a
16 couple of years ago where we had, you know, a discussion with
17 both, you know, the operator and the rotating shift supervisor
18 and I personally had a conversation with them. But I couldn't
19 recall, you know, specific discipline applied.

20 Q And with them, you're referring to the shift supervisor or
21 RSS?

22 A Well, both of them, right.

23 Q Oh.

24 A Both the shift supervisor and the operator, I just didn't
25 remember, you know, a specific disciplinary measure was given.

1 Q Do you need a minute to look at this document, sir?

2 A No, I recall it now, yes.

3 Q Okay. Is Petitioner Exhibit 11 referring to the incident
4 that you testified about last week?

5 A That's correct.

6 Q Okay. And if you look at the start of the last paragraph,
7 it says -- first sentence, as a result of your actions, you are
8 receiving this written warning, correct?

9 A That's correct.

10 Q Okay. So what -- okay.

11 So in this particular incident, the operator does the
12 actual switching, correct?

13 A That's correct.

14 Q And then the operator is supposed to establish a safe work
15 zone; is that correct?

16 A That's correct.

17 Q And the shift supervisor then is to review the steps
18 performed in the initial, the clearance zone, correct?

19 A Right. And they're supposed to make sure, you know, the
20 switching was done properly, it was properly tagged, right.

21 Q And after the shift supervisor has done that, then the
22 operator is cleared to issue the zone to the field so the folks
23 out in the field can begin their work, correct?

24 A Yeah. So once that's done, they would issue a clearance
25 if it was a permission, it's a permission or if it's a

1 clearance, whatever it may be that they're looking for, they
2 would issue that and allow on a clearance, they would allow the
3 people to go to work, the field people to go to work. They
4 would tell them to, you know, they would tell them that it was
5 properly switched out, you're now clear to test and install
6 grounds and then you're clear to go to work, correct.

7 Q And part of what happened here is that the shift
8 supervisor allowed the clearance to be issued without
9 performing his part of the function; is that correct?

10 A Yeah, he didn't supervise properly the person doing the
11 work.

12 Q Okay. And as a result of his failure to do his part of
13 the clearance, that's -- he was given a written warning where
14 it says the sentence that I read earlier, as a result of your
15 actions, you are receiving this written warning.

16 A Right. And I guess I would go to the paragraph above
17 that, and say, as the supervisor on shift, you're responsible
18 for the execution of the work on your shift, right, the
19 execution of the work, which includes ensuring company work
20 rules and procedures are followed, as well as providing
21 leadership and acting as a role model. Your failure to ensure
22 that work practices were adhered to could have resulted in a
23 serious personal injury.

24 Right. So they're responsible for the work that's taking
25 place on their shift.

1 Q If he had a specific load of performing, he didn't do it,
2 which was making sure that the operator had done everything
3 necessary before --

4 A Yeah, he did not perform his supervisory function
5 properly.

6 Q Subtract the word supervisor, because that's at issue
7 here. He didn't perform his function properly correct.

8 A He did not perform what he should be doing as a
9 supervisor.

10 Q We leave the word supervisor out because that's in dispute
11 here. He didn't perform the function, he being the shift
12 supervisor that he was expecting to perform, correct?

13 A Yeah, correct.

14 Q Okay. Thank you.

15 If he had done everything that he was supposed to do then
16 the operator would not have been able to issue the clearance,
17 correct?

18 A Yeah, he would not have let the operator issue the
19 clearance.

20 Q Right, okay, fair enough.

21 Give me a second, it says I'm sharing my e-mail.

22 I wanted to look next at Petitioner's Exhibit 14. One
23 moment. Okay. Can you see Petitioner's Exhibit 14, Mr.
24 Dickie?

25 A No. No, sir, I can't.

1 Q I keep forgetting I have to hit share for you to see it.
2 What about now?

3 A Yes.

4 Q Okay. I want to take a minute to look through
5 Petitioner's 14, but my basic starting question for you, sir,
6 is simply whether this is an example of a switching order you
7 testified last week about this -- responsibilities for
8 switching and tagging.

9 A Yeah, it looks to be. I mean, this is -- well, I don't
10 know if all of it is right, but this is a cover page of a
11 switching order.

12 MR. YOUNG: Angela, do you want to send him --
13 because I can only show him one screen at a time --

14 MS. RUGGIERO: Yep.

15 MR. YOUNG: -- the entire document?

16 (Pause)

17 THE WITNESS: Okay. I have it.

18 BY MR. YOUNG:

19 Q Okay. So this is an example of a switching and tagging
20 order, correct?

21 A That's correct.

22 Q And hopefully you can see Company Exhibit 14 with this
23 ESOP 100, can you see that, sir?

24 A That's correct.

25 Q And that's the --

1 A ESOP 100.

2 Q -- yes, for switching and tagging, correct?

3 A Yeah, so I don't know what exhibit -- so well I misspoke,
4 right, so I don't know what exhibit that is.

5 Q I'll represent to you I'm never going to -- that this was
6 -- it doesn't have the exhibit number as it was produced by the
7 company, but it is Petitioner Exhibit or excuse me, Company
8 Exhibit 14.

9 A Okay.

10 Q Okay?

11 A Okay.

12 Q Now, this is Company Exhibit 14 is ESOP 100 switching and
13 tagging, correct?

14 A That's correct. Well, it's correct that ESOP 100 is
15 above. I -- you know, it looks -- and the only reason I -- you
16 know, on the top, right, I'm looking at the tabs, you have ESOP
17 100 showing and petitioner exhibits behind that and I don't
18 know if ESOP 100 is Exhibit 14. I can't --

19 Q That's how --

20 MR. YOUNG: Can we stipulate, Angela, that this is
21 Company Exhibit 14 please?

22 MS. RUGGIERO: Yes.

23 MR. YOUNG: Okay. Thank you.

24 BY MR. YOUNG:

25 Q And just so you know, I'm not trying to trick you, sir,

1 this is how it was produced to me so I can only bring it up in
2 a way that it was produced to me.

3 A Okay.

4 Q Okay?

5 A Yeah.

6 Q Anyway, with regard to the switching and tagging, fair to
7 say that all qualified operators and shift supervisors are able
8 to do switching and tagging.

9 A That's correct.

10 Q Okay. But --

11 A Yeah, so all qualified as to both, right?

12 Q Yeah.

13 A Okay.

14 Q Okay. And for qualified, with regard to the operators,
15 those would be at least include all of the level 2 operators.

16 A That's correct. I think all the level 2's are on the APL,
17 that's correct, yeah.

18 Q Okay. And I know we talked a little bit, going back to
19 Petitioner Exhibit 14, the switching and tagging, that's
20 actually one of the circumstances where there's going to be a
21 planned work on the lines, correct?

22 A That's correct. Well, so, yeah, you could have an
23 emergent condition which is -- which it would also produce a
24 switching order.

25 Q Okay.

1 A Right, but this switching order that you have here is
2 planned.

3 Q In fact, it says request by -- it says planned, right?

4 A That's correct.

5 Q And sometimes even when there is planned work to be done
6 on the lines, something unexpected can happen, correct?

7 A That is correct.

8 Q And when that unexpected issue arises, the operators have
9 authority to respond without getting the okay from their shift
10 supervisor; is that correct?

11 A That's correct unless they're going to cross something
12 out, you know, you have to have two people sign off --

13 Q Right.

14 A -- on the change.

15 Q So if a change is made because something unexpected has
16 happened and the operator makes the change, then ultimately the
17 shift supervisor has to sign off, correct?

18 A That's correct. I mean, it's what we have, but I think
19 according to the ESOP 100 rules, there's always a second sign
20 off. It just has to be a qualified operator.

21 Q Or if for that matter, a change is made by a shift
22 supervisor and the operator -- an operator would need to sign
23 off, correct?

24 A A level 2, right, because sometimes they do work
25 themselves, right, and that would require a second person to

1 look at that that's qualified, that's correct.

2 Q Thank you for that correction. What you're saying to me
3 is that -- and we agree that the level 2 operators are all
4 qualified operators?

5 A I believe they are. I mean, the only reason I say it like
6 that, sometimes people come off the APL for various reasons,
7 but in general, if you're a level 2 operator, you're on the
8 APL.

9 Q Okay. Thank you.

10 A Okay.

11 Q Yep, fair enough.

12 So I'm going to have you look at Petitioner Exhibit 14.
13 I'm sorry. One moment here.

14 As we said a minute ago, this work was planned and that
15 would have been carried off, would it not, by somebody in the
16 field department wanting to do some work. Is that fair to say?

17 A Say -- can you state that again?

18 Q The work that was going to be -- that's being requested in
19 Petitioner Exhibit 14 was initiated at first by somebody in the
20 field department.

21 A That's correct, right, they would have put a request in.

22 Q That goes to the coordinator, correct?

23 A That goes to the outage coordinator, right.

24 Q And then the outage coordinator looks at it and
25 tentatively approves it, correct?

1 A Well, so they would approve it -- so if it's a
2 transmission line, right, they would look at it make sure
3 there's no reliability concerns, any conflicts with any other
4 outages and they would send that request to ISO New England via
5 a crow application (ph), ISO New England would then approve it.
6 They look at a much larger footprint of conflict, right, so we
7 just look for New Hampshire conflicts and anything just outside
8 of our operating area. And then ISO New England would get it,
9 they would look at any conflicts outside of that area or any
10 generator conflicts, if they know of an annual that's happening
11 where a generator is going to be down and could cause some
12 issue. And then they would approve it and then it would get
13 back to the outage coordinator and they'd send it off to
14 someone to write the switching.

15 On this one, I'm assuming because there's some
16 transmission lines, you know, listed that that would have gone
17 through that process.

18 Q Now, let's take a look at page 2 of the document. If you
19 -- at the bottom of that page, there's a heading that says SOS
20 note remarks, do you see that?

21 A I do.

22 Q And it looks like -- do you know JED is?

23 A I don't.

24 Q Is that one --

25 A Off the top of my head, I don't.

1 Q Is that an operator or a shift supervisor?

2 A I think that's John Duckless, but I'd have to confirm
3 that. I mean, so this -- remember we talked about John in
4 other conversations here, right, so John's the senior, kind of
5 the senior guy. He -- so he writes a lot of the really complex
6 switching, because there's a lot of back and forth between a
7 control room and the field, and you know, relays you've got to
8 turn off, relays you've got to turn on, how you commission
9 things, how you energize them. There's just a complexity of
10 there.

11 So, you know, I'm assuming that this is probably a complex
12 job and JED is John Duckless who would have, you know, looked
13 at this initially and probably wrote the initial switching for
14 approval from all the operators that would look at it and the
15 rotational shift supervisors.

16 Q So my understanding is that Mr. Duckless' initials are JED
17 and he's making some recommendations here at the bottom of page
18 2 about how to go forward with the job. Is that fair to say?

19 A Yeah. I mean, there's some questions about, you know, the
20 directional curb blocking scheme, you know, and you know, carry
21 a trip relay, right, so there's a whole bunch of stuff in here
22 that would have to be looked at that he's telling people, you
23 know, to evaluate.

24 Q At page 3 of Petitioner Exhibit 14 there's a heading,
25 customer load interruption exposure. Do you see that?

1 A I do.

2 Q And whenever there is planned work to be done, one of the
3 questions is what happens if something goes wrong, how long
4 could power be down for the customers.

5 A That's correct. We look at how many customers are
6 impacted and whether those customers could be restored via
7 other means. That's correct.

8 Q Okay. So in this case, it's saying something goes along
9 with get -- all customers could have their power restored
10 within less than five minutes.

11 A That's correct.

12 Q Okay. Then -- now on page 4 and I'm at the bottom where
13 it says originated by Joshua Anderson, do you see that?

14 A I do.

15 Q And Mr. Anderson is an operator; is that correct?

16 A A level 2 operator, that's correct.

17 Q And this switching and tagging order actually was reviewed
18 where it says checked by, by -- I may have miscounted, but it
19 looks like more than ten individuals; is that right?

20 A Yeah, a lot of people, correct.

21 Q A lot of people.

22 A Yeah.

23 Q It includes, besides Mr. Anderson, Mr. Duckless who we
24 discussed, it includes Mr. Rossi, who's a shift supervisor,
25 correct?

1 A That's correct.

2 Q And Von Koss who's an operator level 2.

3 A I didn't hear that, I'm sorry.

4 Q That's Mr. Von Koss who's an operator level 2, correct?

5 A That's correct.

6 Q And one of the day supervisors, Mr. Messier, correct?

7 A Ron Messier is on there, that's correct.

8 Q By Richard Murphy, he's one of the shift supervisors,
9 correct?

10 A That's correct.

11 Q So in order to go forward with this planned work, was
12 reviewed by as many as over ten individuals, correct?

13 A That's correct.

14 Q And then starting at page 5 of 12, these are all the steps
15 that have to be gone through in order to perform the planned
16 work, correct?

17 A Yeah. So the beginning steps are like, you know, on that
18 first page, right, are you know, things to check before you get
19 actually into the switching, right.

20 Q And you see in the far left margin there's some initials
21 there that are maybe hard to work out, but I understand they're
22 initials AR. Do you see that?

23 A I can't -- so I do see something. I don't know what
24 initials are what they say, but there is something there.

25 Q Okay.

1 A Okay.

2 Q Those initials, whoever's initials they represent and I'll
3 put on testimony that -- had to ultimately approve this whole
4 process and that's why the initials are in there, correct?

5 A That's correct.

6 Q And if you -- maybe this is -- were you done with your
7 answer, I'm sorry, sir?

8 A No, I'm done.

9 Q Okay. And I'm turning to page 8 of 12.

10 A Okay.

11 Q And also in the left margin there there are some initials,
12 I don't know if that's any clear to you than the ones I just
13 had you look at.

14 A A little bit, yeah, it looks like it could be an AR, yeah.

15 Q All right. And if it is an AR, AR is Mr. Rossi, correct?

16 A I would assume so.

17 Q Okay. All right. Let's take a look at then Petitioner
18 Exhibit 18.

19 MR. YOUNG: Oh, I move the introduction of Petitioner
20 -- oh, it was already admitted. Oh, no, we haven't, this is
21 when Angela had questions about. I move the introduction of
22 Petitioner Exhibit 14.

23 MS. RUGGIERO: No objection.

24 HEARING OFFICER DURYEA: I'm sorry, that was 14?

25 MR. YOUNG: Yes.

1 HEARING OFFICER DURYEA: Okay. No objection to
2 Petitioner 14, that's received.

3 (Petitioner's Exhibit No. 14 received)

4 BY MR. YOUNG:

5 Q Mr. Dickie, I'm showing you now what's been marked for
6 identification as Petitioner Exhibit 18. Do you have that on
7 your screen?

8 A I have it on the Zoom screen, yes, that's correct.

9 (Petitioner's Exhibit No. 18 marked)

10 Q Very good. And if you look at Petitioner Exhibit 18, this
11 is also a switching and tagging order, correct?

12 A That's correct.

13 Q And this is also for a planned outage, correct?

14 A That's correct.

15 Q And if you're looking at page 4 of Petitioner Exhibit 18,
16 this request was initiated by Mark Bouchard, correct?

17 A Yep, that's what it's stated on there, correct.

18 Q For the record, who's Mr. Bouchard?

19 A He's the rotational shift supervisor.

20 Q Okay. And looking at the box below, step 15 where it
21 lists the things of number of individuals -- there are -- as in
22 Petitioner Exhibit 14 that we looked at, this planned work is
23 going to be reviewed by a number of different individuals,
24 correct?

25 A Well, this is the pre-switch brief I think that they're

1 giving to different individuals. You're talking about -- so
2 are you talking about up above, you know, where it says 15,
3 date and time, pre-switch completed, is that -- or are you
4 talking about down below, checked by?

5 Q The box below, yeah.

6 A Oh, the checked by? Okay. Yeah. Go ahead, I'm sorry.

7 Q All these individuals and I didn't count up how many of
8 them were involved in checking the switching and tagging order,
9 to make sure to the extent possible everything was okay.

10 A Correct.

11 Q Okay. And one of them is Mr. Zanetti who's a day shift
12 supervisor, correct?

13 A That's correct.

14 Q A day supervisor, correct?

15 A Correct.

16 Q Okay. And we looked before on Petitioner Exhibit 14,
17 there were some initials that we thought might be those of Mr.
18 Rossi. Looking at Petitioner Exhibit 18, 8 of 12, do you see
19 at the bottom of that page that there's also some initials?

20 A Yep.

21 Q And those initials -- do you see that they look like BVK,
22 which would be Brendan Von Koss.

23 A It looks like a BK, I don't know about a Z but maybe, but
24 -- or a V, but yeah, I don't know whose initials those are, but
25 they could be Brendan's, I don't know.

1 Q Is it fair to say that somebody had to ultimately sign off
2 on this entire switching order, that person that initialed
3 that, whoever --

4 A Yeah, it looks like you're scrolling through it really
5 quick, right, so it looks like -- it looks like just from what
6 I saw, can you go up juts a little bit?

7 Q Sure.

8 A Yeah, so it looks like MAH, I don't know if that's -- I
9 think that's one of maybe the new guys, Mitchell. And then
10 down below it looks like there's the RM, if you go down to the
11 next page. Yeah, RSM, so it looks like Richard Murphy. So
12 Richard Murphy was -- you know, I'm speculating here. You
13 know, they take some of this work on their own to do training,
14 right, and if he was letting Mitchell do some of the work, he
15 was probably sitting with them doing the training and then
16 again, you have to have two qualified people sign off on it,
17 right, according to the ESOP 100 rules, right.

18 Q So I understand you're speculating, but one of the people
19 that signed off, this person whose initials we're not sure who
20 they are on page 8, correct?

21 A Yeah, someone signed off on it, and I don't recognize the
22 initials, but if you're telling me it's Brendan, you know --

23 MS. RUGGIERO: Objection.

24 THE WITNESS: I don't -- I just don't know.

25 BY MR. YOUNG:

1 Q Okay. Well we'll question Mr. Von Koss if you don't know
2 -- recognize those initials.

3 MR. YOUNG: I'd like to move the introduction of
4 Petitioner Exhibit 18.

5 MS. RUGGIERO: I do have an objection to this one,
6 because Mr. Dickie has testified a lot of these initials and
7 names he doesn't know who they are, he's speculating. You've
8 already said you were going to have Brendan on your witness
9 list, and if you think Brendan is the one that signed off on
10 it, perhaps he's the better person to bring the exhibit in
11 through.

12 MR. YOUNG: I'm certainly going to have Mr. Von Koss
13 testify and he will testify that those are his initials, but I
14 think that this is still admissible as another switching order
15 and talks about different roles of people in it. And Mr.
16 Dickie is certainly competent to testify to that.

17 HEARING OFFICER DURYEA: Yeah, I agree with that and
18 I'll overrule the objection and allow the exhibit to be
19 received.

20 (Petitioner's Exhibit No. 18 received)

21 MR. YOUNG: Thank you.

22 BY MR. YOUNG:

23 Q You said a moment ago, Mr. Dickie, that the -- sometimes
24 even on a planned outage like what's reflected in the two
25 switching orders that we've been talking about, that sometimes

1 there can be unplanned things that occur, correct?

2 A That's correct.

3 Q Okay. And those can result in an unplanned outage,
4 correct?

5 A That's correct.

6 Q And every line on the system has its own precautions and
7 things that the operators need to be aware of, correct?

8 A So, yeah, I don't know if every line, but a lot of lines
9 have some precaution on them depending on how you're switching
10 them out or what relays you're taking out. There's usually --
11 any time you do an open/close or a disable, you know, that's a
12 critical part of the evolution in switching. And, you know,
13 something could happen.

14 Q Okay. And there are procedures if that happens that have
15 to be followed, correct?

16 A Well, it depends on what it is, right. What do you mean?
17 I don't know what you mean. I guess you can clarify the
18 question.

19 Q I'll withdraw the question.

20 The -- in addition to when you have a planned outage and
21 something goes awry and procedures that may pertain if not to
22 every line, to some lines, there are also procedures that apply
23 to equipment like transformers, correct?

24 A Yeah. So we have station ordinance which gives you a
25 description of all the equipment out there.

1 Q Okay. Let me look at this exhibit.

2 Do you have on your screen, sir, Petitioner's Exhibit 24?

3 A Yeah, OP-30.

4 Q Yes, OP-30.

5 A Yep.

6 Q Okay. That's Eversource operating procedure for emergency
7 controls and actions on the --

8 A Yeah, so this is --

9 Q Let me finish the question.

10 A I'm sorry, yep.

11 Q Makes it hard for the reporter if we talk over each other.
12 I know often times you're going to know the answer and
13 sometimes -- so anyway. Petitioner's Exhibit 24 is Eversource
14 OP-30, emergency patrols and actions --

15 MS. RUGGIERO: Objection. For clarification this is
16 Petitioner's 8.

17 MR. YOUNG: This is what?

18 MS. RUGGIERO: Petitioner's Exhibit 8.

19 HEARING OFFICER DURYEA: Yeah, I seem to remember
20 that we discussed earlier that maybe this is a duplicate; is
21 that right?

22 MR. YOUNG: Okay. I apologize, let me bring up 8
23 then. You're right. My notes have it as 24. Thank you for
24 calling that to my attention.

25 (Pause)

1 BY MR. YOUNG:

2 Q Okay. I now have on the screen Petitioner Exhibit 8,
3 which is Eversource OP-30 Emergency Patrols and Actions for
4 Line Faults. Do you have that in front of you, sir?

5 A It's on the screen, yes.

6 Q Okay. And I want to go to page 8 of that document. And
7 we had some testimony about this possibly before, but in the
8 event of an outage that affects 2,000 or more employees except
9 trip and lead close, ESCC management has to be notified,
10 correct?

11 A Correct.

12 Q And that management would include the day shift
13 supervisor, correct?

14 A That's correct.

15 Q The day supervisors and managers above the day
16 supervisors, such as Mr. Dion, correct?

17 A That's correct.

18 Q And Mr. Cloutier?

19 A That's correct.

20 Q And possibly even yourself.

21 A Yeah, that's correct.

22 Q Okay.

23 A So just on that one, so there's a state PUC rule --

24 Q Uh-huh.

25 A -- that we have to notify anything -- the state as well

1 for outages 2,000 customers or more.

2 Q Okay. And I'm turning to page 10 of Petitioner Exhibit 8,
3 paragraph 11. That basically is repeating that.

4 A That's correct. So on this, right, there is a notice that
5 goes out to everyone on the reliability team, which includes
6 all the management in the ESCC, the SOC, all of the management
7 persons and field operations and substation operations as well
8 as field engineering.

9 So any outage, 250 customers or more, all those persons
10 are notified. There's about, greater than 60 of them.

11 Q Sorry, I didn't catch your last sentence, it's about what?

12 A It's greater than 60 of them, 60 persons on that list,
13 there's a lot of people.

14 Q Okay. And we're going to look at that list in a minute.

15 MR. YOUNG: I'm going to move for the -- is
16 Petitioner Exhibit 8 already admitted?

17 MS. RUGGIERO: Yeah.

18 HEARING OFFICER DURYEA: It is.

19 MR. YOUNG: Okay. Thank you.

20 (Pause)

21 MR. YOUNG: I'm trying to bring up Petitioner Exhibit
22 5.

23 (Pause)

24 BY MR. YOUNG:

25 Q Do you have Petitioner Exhibit 5 on your screen now, Mr.

1 Dickie?

2 A Yes.

3 Q And Petitioner Exhibit 5 is Eversource OP-50, emergency
4 notification procedure, correct?

5 A Correct.

6 Q And that is, in part, what you were just referring to when
7 you set up the 60 people could be notified?

8 A No, so that -- the CAIDI page, right is different levels,
9 right. So the CAIDI page, right, an outage 250 customers or
10 more goes out to, you know, that group of 60 people.

11 Q Okay. That's not related you're saying to Petitioner
12 Exhibit 5?

13 A I don't believe so. I'm welcome to go down through it,
14 but I'd have to read the procedure to tell you that.

15 MR. YOUNG: Angela, will you send him that please?

16 HEARING OFFICER DURYEA: I'm sorry, Mr. Young, did
17 Ms. Ruggiero to send Mr. Dickie Petitioner --

18 MR. YOUNG: Petitioner Exhibit 5.

19 MS. RUGGIERO: Oh, send this to him. Sorry.

20 MR. YOUNG: Yeah, sorry. Because he can't look, I
21 can only scroll through it and he can't --

22 THE WITNESS: Okay.

23 (Pause)

24 THE WITNESS: So is this Petitioner Exhibit 5 or 24?

25 BY MR. YOUNG:

1 Q 5 and 24 were the same and I --

2 A Oh, the same thing?

3 Q Yeah.

4 A Okay.

5 Q We withdrew 24.

6 A Okay. So that's OP-30 though.

7 MS. RUGGIERO: I just sent you -- I think I did
8 anyway, let me refresh.

9 THE WITNESS: Yeah, okay, all right. Okay. Yep, I'm
10 with you, okay. Okay.

11 Q Okay. Do you need a moment to look at --

12 A Yeah, can you let me read through it here and I'll --

13 Q Go ahead, sure, go ahead, sir.

14 HEARING OFFICER DURYEA: Can we take a few minutes
15 off the record to do this?

16 MR. YOUNG: Sure.

17 HEARING OFFICER DURYEA: About how long will you
18 need, Mr. Dickie, do you think?

19 THE WITNESS: Just five minutes is fine.

20 HEARING OFFICER DURYEA: Okay. Let's go off the
21 record.

22 (Recessed at 12:19 p.m.; reconvened at 12:32 p.m.)

23 HEARING OFFICER DURYEA: All right. Let's go back on
24 the record.

25 THE REPORTER: On the record at 12:32 p.m.

1 BY MR. YOUNG:

2 Q Mr. Dickie, I just want to make sure the record's clear on
3 one point, but in terms of those outages with more than 2,500
4 customers or something, or even 250, the management starting
5 with the day shift supervisor or day supervisor and sometimes
6 above that needs to be notified; is that correct?

7 A Yeah, well 250 customers or more, that goes out on a --
8 that's a general CAIDI page, right, which goes out to the group
9 I mentioned before. Is that the question?

10 Q Let's leave that aside.

11 A Okay.

12 Q The 2,500 goes out to the upper management. Let me
13 rephrase that. The 2,500 or more goes out starting with the
14 day supervisor and above, correct?

15 A Yeah, and that also goes out to the state as well.

16 Q Okay. Very good.

17 Now, I have in front of you on the screen hopefully you're
18 seeing Company Exhibit 10?

19 A No, it's -- well, yeah, so that's different than what I
20 thought I was supposed to read through OP --

21 Q No, I don't think I'm going to ask you about OP-50.

22 A Oh, okay. Okay.

23 Q If I do, I'll come back to it, but it probably won't be
24 till after lunch.

25 A Okay.

1 Q OP -- so I now have -- and you're right, I have up on the
2 screen Company Exhibit 2, OP-32. Do you see that?

3 HEARING OFFICER DURYEA: It's Company Exhibit 10.

4 MR. YOUNG: I'm sorry, Company Exhibit 10, which is
5 OP-32, operations emergency staffing.

6 Q You testified I believe last week, Mr. Dickie, that in the
7 event of a black out or a really big emergency that the --
8 there's somebody that's called a restoration coordinator,
9 correct?

10 A There's a restoration coordinator, that's correct.

11 Q Okay. And the shift supervisor can be that restoration
12 coordinator, correct?

13 A That's correct. I think it's on the table, we could pull
14 up the table.

15 Q Now, turn to page 5, and I'm sorry, this is the one that
16 was -- this is -- there's still some highlighting on this one,
17 but we can say I would have highlighted.

18 The candidates to fill the restoration coordinator
19 position can include, in fact, the operators themselves at
20 times, correct?

21 A The candidate to fill -- while it says candidates to fill
22 position on the procedure would be the operations manager, the
23 supervisor, the day shift supervisor, and the rotating shift
24 supervisor.

25 Q Okay. The -- strike that. The operators are trained, are

1 they not, necessary to be the restoration coordinator.

2 A Yeah, so there's two parts to that training, right. So
3 the first part of that training is the rotational shift
4 supervisor, you know, talking ISO and then there's a second
5 part of that training which, you know, gives, you know, is part
6 of continuous training and all that. We pick an operator in
7 that training module to fill that position in the training
8 environment.

9 Q So the operators are trained, if necessary, to service the
10 restoration coordinator, correct?

11 A They receive the training, I'm not sure we would have them
12 be the restoration coordinator. I wouldn't -- I can't confirm
13 that.

14 Q They do receive the training you can confirm.

15 A They receive partial training on it.

16 Q And the -- if the shift -- if there wasn't a shift
17 supervisor on duty, do you know whether the operations or
18 operator has been -- would be able to take over as the
19 restoration coordinator?

20 A So we would always have a shift supervisor on, but in the
21 event one was out, yeah, someone would have to do it obviously,
22 right. So when you're talking coordination or restoration,
23 right, there's some time in there, you know. If we're getting
24 into restoration on a black out, we're going to have other
25 people coming in.

1 Q The training that the operators get include -- is a week
2 long, is it not?

3 A I can't confirm how long it is, it's a while, yep.

4 Q And --

5 A I don't know if it's a full week, yeah.

6 Q Okay. The -- one of the things you testified about last
7 week was the importance of getting part of the Seabrook Nuclear
8 Power Plant, correct?

9 A That's correct.

10 Q And the operators in the event of a major emergency are
11 trained to do that, correct?

12 A Yes.

13 Q They don't need to get approval from anyone else, correct?

14 A So you'd have a coordinator, restoration coordinator
15 coordinated that. The Blackstar Unit is in Maine, when you tie
16 that into New Hampshire, you are talking to ISO, because you're
17 crossing the state boundary, but you're working with other
18 operators to do that. That's the primary path.

19 There's a secondary path, which is wholly contained in New
20 Hampshire.

21 Q Operators can reduce -- any qualified operator can reduce
22 voltage; is that correct?

23 A Can adjust voltage, that's correct. What do you mean by
24 reduced voltage, can you clarify that?

25 Q That's -- what do you understand the term to mean?

1 A So as part of their normal --

2 Q I'm not talking about shedding altogether, but just
3 turning down the voltage.

4 A Yeah, as part of their normal duties, they adjust voltage,
5 that's correct.

6 Q One second here.

7 I have up on the screen Company Exhibit 8, which is OP-1,
8 operating responsibilities and authorities of New Hampshire
9 systems operations. Do you see that?

10 A I do.

11 Q And let's go to page 5 of that document. And this
12 document addresses at least in part the heading of load,
13 correct?

14 A Again, I -- you know, you're scrolling through it so -- I
15 have to read it, right.

16 MR. YOUNG: All right. Angela, could you please send
17 them to Mr. Dickie please?

18 (Pause)

19 BY MR. YOUNG:

20 Q I understand. I am scrolling through it, that's the
21 problem, we're not in the same room and I don't have the
22 ability or the right to send you documents.

23 (Pause)

24 HEARING OFFICER DURYEA: Were you able to send that,
25 Ms. Ruggiero?

1 MS. RUGGIERO: I did.

2 THE WITNESS: I'm reading through it right now.

3 HEARING OFFICER DURYEA: Okay. Do you need a few
4 minutes?

5 THE WITNESS: Yeah, just a couple of minutes. Just
6 let me scroll through it and --

7 HEARING OFFICER DURYEA: Okay.

8 (Pause)

9 THE WITNESS: Okay. I think I'm good.

10 Q Okay. So I am at page 5 of Company Exhibit No. 8. And
11 I'm highlighting the paragraph that starts during normal and
12 emergency operating conditions. Do you see that?

13 A I do.

14 Q The operator has the authority to take whatever steps are
15 necessary, including setting of load to keep the system
16 operational; is that correct?

17 A That's correct.

18 Q And --

19 A That's a NERC standard.

20 Q Right.

21 A Uh-huh.

22 Q Okay. And that's without obtaining approval from anyone
23 higher in the chain of command, correct?

24 A That is correct.

25 Q Okay. And I'm going to turn to page 15 of that document

1 and, in fact, there's a letter to that same effect from Mr.
2 Foley, the president of Eversource, New Hampshire, correct?

3 A That's correct.

4 Q The -- I wanted to bring before you Petitioner Exhibit 23.
5 Do you have that up on your screen?

6 A I do, on the Zoom meeting, yes. Yep.

7 Q For the record, this is a map showing the area of work
8 centers and around the State of New Hampshire and it shows
9 within them, different -- which electricians are assigned to
10 which different of those work centers, correct, among other
11 things it shows?

12 A Yeah, among other things. You know I can't, again, give
13 you the validity of the persons listed on this map. I mean,
14 people retire, this is back in 2018, and you know, they have
15 different people reporting different places, so I don't -- I
16 can't confirm the validity of the people.

17 Q Okay. But in general, Eversource has a map which is
18 similar to Petitioner Exhibit 23. Names may have changed, that
19 shows where field electricians are designated to work and their
20 supervisors, correct?

21 A Yeah, so other than today, I have not seen this field
22 electricians map. I've seen this map, like I said earlier.
23 You know, we have different maps for different things, right.
24 So the franchise maps, you know, I've seen it. I don't think
25 I've ever seen the field electrician map before though.

1 Q Okay. Without regard to the map then, sir, is it fair to
2 say that the field electricians are assigned to work different
3 work area centers which are headed by different field
4 supervisors?

5 A I believe that's correct.

6 Q And in the event that there is either a planned outage or
7 even an unplanned outage, it's the field supervisor who decides
8 where to deploy personnel, correct?

9 A No. We would call the field supervisor and tell them
10 where to go.

11 Q Okay. But in terms of who to actually send to go, the
12 field supervisor decides who to send, correct?

13 A We would call -- it depends on the time of day, right, so
14 we would call the -- after hours you call the 1250 on call
15 person, tell them we need, you know, something at Burling
16 Substation and they would make a determination of what
17 particular individual would -- is going to go, they look at
18 overtime lists, there's a whole bunch of things they look at,
19 but we would make the determination on, you know, where to send
20 them, because they don't know unless we tell them.

21 Q Putting aside where to send them, but once the decision is
22 made that somebody has to be sent to a particular place, it's
23 the person out in the field, field supervisor, who makes that
24 decision based on, among other factors, who's geographically in
25 the area, correct?

1 A So I don't know if I can confirm that. Sometimes we may
2 call the field electrician directly. I don't know if it always
3 goes through a supervisor, like especially during the day. So
4 I can't confirm that.

5 Q Okay. Thank you. All right.

6 The shift supervisors have no authority to compel an
7 employee to remain at work, do they?

8 A They have the authority to say that something needs to be
9 corrected, but as far as an individual is concerned, you know,
10 we don't -- we would not get into that. I say we, I mean
11 system operations. We just need a qualified person to do
12 whatever needs to be done.

13 Q Okay. And the shift supervisor has no authority to change
14 the schedule of one of the operators, does he?

15 A One of the operators working on their shift?

16 Q Yeah.

17 A Yeah. So if a job was going to be held over or they were
18 in the middle of something, the shift supervisor would have the
19 authority to say, you've got to finish this.

20 Q That wasn't my question. In terms of the actual shift
21 that a team member is assigned to, the shift supervisor doesn't
22 have any authority to change that, does he?

23 A No, I don't -- no, I don't think so. That would be a big
24 deal to change a shift around.

25 Q Okay. And the starting time for the jobs if we looked at,

1 in terms of the switching order, those are determined, are they
2 not, by the field and the coordination departments?

3 A Yeah, so when they put the application in, you know, we
4 made an effort over the last three or four years, right, to get
5 a start time and kind of, you know, schedule the work in the
6 control room. So get a start time for when they want their
7 clearance or permission, and then from there, we'll back up how
8 long we take the switching -- we think the switching will be,
9 and then, you know, that work is then, you know, picked up by
10 the field electricians, right, hopefully, if they're not, they
11 don't pick it up, we have to call them, find out where they
12 are. I hope I answered that.

13 Q I think so. There's multiple jobs that have to be done or
14 that can be done on any given day, correct?

15 A There is, yes.

16 Q And ultimately the coordinator and the field operator make
17 a decision as to when to start the job.

18 A Yeah, because they try to coordinate it, you know, so
19 there's not -- everything's not stacked on top of each other,
20 yeah.

21 Q Okay. Thank you.

22 We talked a little bit about the turnover report and
23 that's done between the different shifts, correct?

24 A Yeah, the shift turnover?

25 Q Yes.

1 A Yes.

2 Q Yeah, yeah. And that turnover report, everyone
3 contributes to that turnover report, correct, the shift
4 supervisors, the operators, the day supervisors?

5 A Yeah, that's correct. The shift supervisor has the
6 ultimate, you know, responsibility for it, but everyone would
7 contribute.

8 Q Okay. When there is a storm related outage, sometimes
9 there is work that was already planned that is taking lines and
10 equipment out of service, correct?

11 A Correct.

12 Q And the -- it's the day supervisor who makes a decision as
13 to what lines that were out of service to be put back into
14 service to cope with the storm.

15 A No, that comes down from me as the operations section
16 chief for a storm response.

17 Q Okay. So from your position.

18 A Yep.

19 Q Okay.

20 MR. YOUNG: Can we go off the record please?

21 HEARING OFFICER DURYEA: Sure. Off the record.

22 (Recessed at 12:56 p.m.; reconvened at 1:50 p.m.)

23 HEARING OFFICER DURYEA: Let's go back on the record.

24 THE REPORTER: On the record at 1:50 p.m.

25 HEARING OFFICER DURYEA: All right. Mr. Young has

1 advised that he is done at this point with his cross-
2 examination of Mr. Dickie and Ms. Ruggiero wants to do some
3 redirect, so go ahead.

4 MR. YOUNG: Except for the possibility of the
5 documents pertaining to the -- that are out of the supervisor
6 that I got today.

7 HEARING OFFICER DURYEA: Yeah, that's correct, that
8 is something that we discussed off the record is that just
9 before our lunch break or just around the time of -- Mr. Young
10 got copies of the subpoenaed personnel files for supervisors --
11 for the six supervisors and he had some time to go through
12 them, but has not had the full opportunity to do that.

13 So in the interest of kind of moving things forward,
14 we're going to go ahead with Ms. Ruggiero's redirect -- I'm
15 sorry, yeah, redirect. And then once Mr. Young has a fuller
16 opportunity to go through the personnel files then we may have
17 some limited recross on that subject if need be. So is that
18 correct, where -- did I summarize that correctly?

19 MS. RUGGIERO: Yes, I think so.

20 HEARING OFFICER DURYEA: Okay. Yeah?

21 MR. YOUNG: I said yes.

22 HEARING OFFICER DURYEA: Okay. Fine. All right. So
23 let's go ahead, Ms. Ruggiero.

24 MS. RUGGIERO: Okay. Thank you.

25 REDIRECT EXAMINATION

1 BY MS. RUGGIERO:

2 Q Mr. Dickie, I want to draw your attention to a point in
3 time when we first filled the RSS technician. I believe you
4 said this was early 2019. Were you involved in hiring people
5 to fill those positions?

6 A Was I involved personally like interviewing and all that?
7 No. No, I was not.

8 Q Okay. Are you aware of whether or not those positions
9 were filled simply by seniority?

10 A So, no, so after the question I thought about it, right
11 too. There are other senior operators, right, still on today,
12 John Duckless is the senior operator, you know, Marshall
13 Diamond. And at the time, you know, we had other people, there
14 was Mark Martin. There was one other individual -- oh, Don
15 Cotnoir who they both retired, you know, that were senior too.
16 So it wasn't just filled by seniority.

17 Q And did people --

18 A Now, whether those people put in for the position I don't
19 know. It was a posted position.

20 Q Okay. And so by -- when you say it was a posted position,
21 there was actually an application and interview process.

22 A That's correct.

23 Q Okay. Do you recall during your cross-examination when we
24 compared the job -- when you compared the job description of a
25 level 2 operator to an RSS?

1 A Yes.

2 Q Okay. And it's fair to say that many of the essential
3 functions are similar or the same, correct?

4 A Yes, because the RSS' are system -- fully system qualified
5 operators, just like the day shift supervisors are fully
6 qualified. The manager is fully qualified, you know, the
7 outage coordinating supervisor is a fully qualified operator.
8 Right, so they can perform those same functions, right, but
9 there's some differentiation between the two, a level 2 and the
10 RSS.

11 Q Is it fair to say that all NERC certified operators are
12 required to comply with NERC standards?

13 A Exactly.

14 Q Also fair to say that even though they may perform some of
15 the same job functions, it's the RSS who is ultimately held
16 accountable on the shift.

17 A That's correct.

18 MR. YOUNG: Objection, calls for a legal conclusion.

19 HEARING OFFICER DURYEA: I'm sorry, can you ask the
20 question again, Angela? I just want to make sure that I got
21 it.

22 MS. RUGGIERO: I asked whether or not the RSS is
23 ultimately held accountable for what happened on the shift.

24 MR. YOUNG: Same objection.

25 HEARING OFFICER DURYEA: Yeah, I don't see that as a

1 legal conclusion. I'm going to go allow the question and allow
2 Mr. Dickie to answer -- yeah, to answer that.

3 You can answer whether or not RSS' are the ones who
4 are accountable for what happens on the shift, which is what I
5 think the question was. And I think, Mr. Dickie, what was your
6 answer to the question?

7 THE WITNESS: The answer was, yes, they are.

8 HEARING OFFICER DURYEA: All right.

9 BY MS. RUGGIERO:

10 Q Okay. I'm going to draw your attention to Petitioner
11 Exhibit 15 and I will put that on the screen.

12 Okay. Do you see that?

13 A Yes, I do.

14 Q Okay. You testified on direct that the compensation
15 package for RSS' and for operators, I believe for both level 1
16 and level 2 included three parts. It was their pay, their
17 bonus, and the stipend; is that correct?

18 A Yeah, there's a stipend in there, we didn't necessarily
19 discuss that, but there is a stipend they all receive for being
20 on rotation.

21 Q Okay. So on this document, if we were to look for the
22 total for 2023, for example, you know, for one of the RSS', it
23 would include the bonus that we see in column 3, correct?

24 A That's correct.

25 Q It would include their salary in column 4, correct?

1 A That's correct.

2 Q And then it would also include the stipend that is not
3 shown on here.

4 A That's correct.

5 Q And --

6 A The day shift supervisors do not receive that stipend.

7 Q So on this document, fair to say, I'm going to highlight
8 where it says operation shift supervisor, the first row, fair
9 to say that that position down would all include the stipend?

10 A That's correct.

11 Q Do you know what the stipend amount is?

12 A Yeah, it's \$13,700 a year.

13 Q And that's for -- that's the same across the board, right?

14 A Same across the board, that's correct.

15 Q If you know, there was discussion earlier regarding
16 Petitioner Exhibit 21. I'll pull that up. One, two, three,
17 four, bullet five effectively allocates -- among off shift
18 system operator. And I don't know that we ever got an actual
19 definition of the difference between off shift and off duty.
20 Do you know the difference?

21 A Yeah. My understanding is off shift is they're not on the
22 watch, meaning that they're not operating or monitoring the
23 system, right. So they have time periods in their schedule
24 when they have spare or training, they're not assigned to be on
25 shift. Off duty are their off days, right.

1 So associated with their schedule is considerable off time
2 because they work a 12 hour rotating shift and off duty is when
3 they're not -- is their off days.

4 Q So if we were to look back at Company Exhibit 4, so is it
5 the weeks that are identified as spare and training, that are
6 considered off shift?

7 A That's correct. That's correct.

8 Q And reading that together with Petitioner Exhibit 21, fair
9 to say then that it's the DSS who's planning the work for those
10 future looking weeks?

11 A That's correct.

12 Q But regarding scheduling for real time work, who is
13 responsible for that?

14 A The real time work is the rotating shift supervisor.

15 MR. YOUNG: I wasn't quick enough to object, but the
16 word assigned, I object, that calls for a legal conclusion.

17 MS. RUGGIERO: I don't think it calls for a legal
18 conclusion.

19 HEARING OFFICER DURYEA: I understand that that's
20 kind of one of the matters that the Regional Director is going
21 to need to determine, but I think that this witness can
22 definitely speak to what he regards as assignment and his
23 understanding.

24 BY MS. RUGGIERO:

25 Q Turning your attention to Petitioner's Exhibit 14, do you

1 recall this document?

2 A Yes, I do.

3 Q Okay. So Attorney Young had asked you some questions
4 regarding -- okay. This is page 4 of 12, on the box it has an
5 individual originated by Joshua Anderson and then checked by
6 approximately 15 names of people who checked this document.

7 If something went wrong with this switching, who would
8 ultimately be accountable for that?

9 A The rotational shift supervisor --

10 MR. YOUNG: Objection.

11 THE WITNESS: -- would have to, you know, sign off on
12 it.

13 Q So regardless of who checks it, the ultimate
14 accountability came down to, as you say, the rotating shift
15 supervisor.

16 A Yeah, when you're in the moment, right, and you're
17 switching it, right, the rotational shift supervisor is
18 responsible for all the work on the shift.

19 HEARING OFFICER DURYEA: Let me just interject here.
20 So I -- I think it's a little unclear, Ms. Ruggiero, when
21 you're saying ultimately accountable. Can you unpack that a
22 little bit, what ultimately accountable means? I mean, sort of
23 one of the things that the Regional Director would like to know
24 is whether or not, you know, that work shift supervisor is
25 subject to adverse consequences if something goes on in the

1 switching that you were just asking about.

2 BY MS. RUGGIERO:

3 Q So, Mr. Dickie, if something went wrong in the switching
4 as we saw with, I believe it was Mr. Horning in Petitioner's
5 Exhibit 11, I'll put that up on the screen for you, if
6 something goes wrong in the switching process, is the rotating
7 shift supervisor subject to an adverse employment action, alah,
8 discipline, a written warning --

9 A Yeah, that --

10 MR. YOUNG: So -- object. Wait a minute, objection.
11 Ms. Ruggiero referred to Exhibit 11 and Exhibit 11 makes clear,
12 the sentence I read as a result of your actions that being the
13 shift supervisor, you're receiving this written warning. She's
14 presupposing -- the question presupposes that Mr. Horning was
15 disciplined for the actions of the operator.

16 MS. RUGGIERO: So let me back that off.

17 BY MS. RUGGIERO:

18 Q Mr. Dickie, if during a shift an operator makes an error,
19 will the rotating shift -- could the rotating shift supervisor
20 face discipline?

21 A Yes.

22 HEARING OFFICER DURYEA: Can you give some examples
23 of that?

24 THE WITNESS: Is that a question to me, sir?

25 HEARING OFFICER DURYEA: Yes, please.

1 THE WITNESS: Yeah, so I know, on that previous
2 letter that's an example. That's my example, you know, right
3 there. I know there's some question on, you know, what they're
4 saying, right, but that'd be my example.

5 HEARING OFFICER DURYEA: And just for my
6 clarification here, I thought this letter was pertaining to a
7 day shift supervisor, not the rotating shift supervisor. Am I
8 misunderstanding of this letter?

9 THE WITNESS: Yeah, so this is the rotating shift
10 supervisor.

11 HEARING OFFICER DURYEA: I see, okay, all right, I
12 understand.

13 Q And do you know, Mr. Dickie, did the day shift supervisor
14 receive any discipline?

15 A No.

16 Q When this says, as a result of your actions, do you know
17 what actions were being referred to?

18 A Yeah, so not supervising the work, not supervising the
19 employee to make sure the work was performed properly.

20 Q So I understand the letter speaks for itself, but do you
21 know what the operator did incorrectly that led to the
22 discipline?

23 A Yeah. So this is back, you know, three years ago, right.
24 So they were tagging out between two substations and on one of
25 the substations they didn't properly tag the device in the

1 field and they didn't properly tag the device in SCADA. And
2 what the result of that is, is that when you tag it, it's much
3 like a lock, right. So everybody's like lock out/tag out, a
4 physical lock goes on something so you can't operate it.

5 Well, that tag acts just like the lock, right. We put it
6 in SCADA, it locks the device out so the operator can't operate
7 it inadvertently and you can't operate that device until you
8 remove the tag.

9 Now, in the field, the tag is hung, so that field persons
10 can see that there's a tag on it and they can't operate it. So
11 it's really -- it's a log out/tag out process that we do with
12 tags.

13 Q I do want to clarify one thing in this letter. This says,
14 an investigation was conducted and review that you were the day
15 shift supervisor. Do you know what Mr. Horning's -- what his
16 job title is?

17 A He's the rotational shift supervisor and I -- so I think,
18 you know, I can see the confusion now. So this happened on day
19 shift, when they were on the day shift. That's all.

20 Q Thank you.

21 All right. So turning to Petitioner's Exhibit 18, you
22 were questioned on this document and on page 4, again we see
23 the box that has originated by and checked by. And Mr. Young
24 asked you about Adrian Zanetti.

25 A Uh-huh.

1 Q Do you know Mr. Zanetti's title?

2 A He's a day shift supervisor.

3 Q Is it uncommon to see a day shift supervisor checking
4 switching orders?

5 A No, not at all. We try to get as many eyes on these as we
6 can.

7 Q Why is that?

8 A Because it's so complicated, right. And you could have --
9 you know, someone could inadvertently not, you know, put a
10 relay to disable and if you do that and you switch something
11 else out, it could trip everything and you're going to drop
12 customers, right. So, you know, a lot of the stuff we don't
13 have any diagrams on, you can't see it in SCADA, it's not
14 visible, you know, it's a relay that you turn off, right, that
15 you've got to tell the field person to turn off.

16 And so we want as many eyes on these things as we can get,
17 right, just to make sure that we don't have, you know, an
18 error. Because an error can be costly.

19 Q Now, in this check box, as we've already established,
20 there's more than a dozen people and there's various dates next
21 to their names, what does the date represent?

22 A The date -- so they have a date originated, right, and
23 then a date modified, right. So if you have an origination on
24 the document, they write the document, and then it goes through
25 the approval process all these people, if they change

1 something, it's got to go back through and get reviewed and
2 signed off by everybody.

3 Q All right. I'm going to turn your attention now to
4 Petitioner's Exhibit 8 and this is OP-30.

5 MR. YOUNG: Petitioner Exhibit 8.

6 MS. RUGGIERO: Oh, thank you, I misspoke.

7 Q This talks about making notifications -- I'm sorry, page
8 8, ESCC transmission management pages shall be issued for any
9 unplanned operation of an Eversource New Hampshire transmission
10 system element, including trip and reclose. And this talks
11 about verbal notification, ESCC management notification, at
12 least one supervisor manager or director. What this isn't
13 telling me, who is making the notification.

14 A So that's the rotational shift supervisor.

15 Q Okay. So this is telling the RSS to make the notification
16 to supervisor manager or director.

17 A Right.

18 Q Okay. And now looking at Company Exhibit 10. On the
19 restoration coordinator position, you mentioned that the
20 operators receive partial training.

21 A Uh-huh.

22 Q What does full training entail?

23 A Yeah, so the full training involves -- you know, there's
24 two days of this, where they have ISO on, right. So on the
25 first day the rotational shift supervisor will be the

1 restoration coordinator because that's the expectation if we
2 got into a restoration event.

3 And then we'll pick, you know, a level 2 operator, it
4 could be a level 1, just to give them some experience, on the
5 second day to give them, you know, some experience in kind of
6 filling this role, you know, see how to do it as part of
7 training. So there's two parts to this training.

8 Q In your experience, has an operator ever served in the
9 role as a restoration coordinator during a restoration event?

10 A Not that I'm aware. Just to be clear, we've never had a
11 black out in New Hampshire.

12 Q Knock on wood.

13 A Yeah, knock on wood.

14 Q If we had a black out, would you have an operator fill in
15 this role?

16 A No, we --

17 MR. YOUNG: Objection, calls for speculation.

18 MS. RUGGIERO: Withdrawn.

19 BY MS. RUGGIERO:

20 Q Are operators totally trained to perform the function of
21 restoration coordinator?

22 A My -- I guess I would say no because they haven't had the
23 full training.

24 MS. RUGGIERO: If I could just have a minute, I might
25 be done.

1 (Pause)

2 MS. RUGGIERO: That's all I have.

3 HEARING OFFICER DURYEA: All right. Any recross on
4 what Ms. Ruggiero covered? Okay. Go ahead.

5 MR. YOUNG: Yeah. No, I need about five minutes to
6 talk to my client before I start.

7 HEARING OFFICER DURYEA: Okay. All right. It's 2:14
8 right now, let's go off the record and come back at 2:20.

9 (Recessed at 2:14 p.m.; reconvened at 2:20 p.m.)

10 HEARING OFFICER DURYEA: Back on the record.

11 MR. YOUNG: Yeah.

12 HEARING OFFICER DURYEA: All right. Back on the
13 record.

14 THE REPORTER: On the record at 2:20 p.m.

15 RECROSS-EXAMINATION

16 BY MR. YOUNG:

17 Q Mr. Dickie, you said in response to questions from Ms.
18 Ruggiero that the operators couldn't serve as the restoration
19 coordinator because they haven't had the full training to do
20 so; is that correct?

21 A So the full training involves the first day, which all the
22 LCCs are involved, the ISO New England, there's a lot more
23 rigger around the communications between everybody and that's
24 the first day, right. They're expecting those people to be the
25 restoration coordinators.

1 On the second day, you can put an operator in there,
2 there's less rigger around it and it's more of a training for
3 other persons that, you know, if you got into an emergency
4 situation where the restoration coordinator, you know, become
5 ill suddenly, you know, someone had to fill in for that moment,
6 right, until you got somebody else in to fill in and that's how
7 the training kind of works.

8 Q So the answer is yes, the reason that -- your testimony is
9 that the operators can't serve as the restoration coordinator
10 is they haven't had the full training, yes or no?

11 A So they haven't had the full training --

12 Q Yes or no, sir?

13 A Yes.

14 Q Thank you. If they had had the full training, they would
15 be able to serve, yes or no?

16 A Yes.

17 Q Thank you. In terms of OP --

18 A Can I revise that answer?

19 Q No, you can -- your --

20 A Okay.

21 Q In terms of OP-30, sir, the notification, notification
22 could be by either the operator or the shift supervisor,
23 correct?

24 A I'd have to see OP-30, can we pull it up?

25 Q Yeah, sure.

1 A Okay.

2 Q I'm sorry -- that's what I was trying to look at it and I
3 wasn't fast enough to get OP-30 on. It's Exhibit 8 there.

4 Is that up on your screen no?

5 MS. RUGGIERO: No.

6 THE WITNESS: No.

7 HEARING OFFICER DURYEA: No.

8 MR. YOUNG: Okay.

9 (Pause)

10 MR. YOUNG: Now?

11 HEARING OFFICER DURYEA: Now we have it.

12 MR. YOUNG: Okay.

13 BY MR. YOUNG:

14 Q My question to you, sir, you were asked some questions by
15 Ms. Ruggiero about the notification on page 8 of this document
16 and you said that the notification would be by the shift
17 supervisor. The notification could also be by the operator,
18 yes or no?

19 A On this one, this would be whoever's putting out the page.

20 Q It could be the operator, correct?

21 A Yeah, my understanding the rotational shift supervisor is
22 the one required to put it out. Could he tell the operator to
23 do it? Yes, he could.

24 Q Do you know whether independent of the RSS whether the
25 operator notify the -- one of the supervisor manager or

1 director, you don't know that?

2 A I don't know. Yeah, I don't know.

3 Q Okay. Thank you.

4 A Uh-huh.

5 Q We talked about the letter to Mr. Horning, who I think we
6 all agree is a shift supervisor or RSS, not a day supervisor,
7 but do you recall an instance several years ago where Mr.
8 Diamond opened a device the wrong way and 20,000 customers in
9 Laconia lost power?

10 A I don't know.

11 Q If you don't know, that's fine.

12 A Yeah, I don't know.

13 Q You don't know, okay.

14 Do you recall an instance, putting aside the name, where
15 20 -- several years ago, 20,000 customers in Laconia lost power
16 because the device was opened -- the wrong device was opened.

17 A I don't recall. It sounds familiar, but I don't recall.
18 I mean --

19 Q Okay. That's -- if you don't recall, I'm not asking you
20 to try to say something if you don't recall.

21 So you know whether in that instance, and if you don't
22 recall, fine, whether an operator was disciplined?

23 A I don't recall.

24 Q Okay. Do you know whether a shift supervisor was
25 disciplined?

1 A I don't recall.

2 Q Okay. Do you recall a situation about a year ago where
3 Mr. Von Koss made a switching error?

4 A I don't recall, no.

5 Q All right. You don't know whether the shift supervisor
6 was disciplined when Mr. Von Koss' -- he made a switching
7 error?

8 A I do not recall, no.

9 Q Okay. Thank you.

10 You talked in response to Ms. Ruggiero about the stipend
11 that is paid to the shift supervisors and the level 1 and level
12 2 operators, but not to the day supervisors, correct?

13 A That's correct.

14 Q The day supervisors don't -- are not scheduled at night,
15 correct?

16 A They're not on a rotating shift, that's correct.

17 Q And all the other individuals, the shift supervisor, the
18 level 1 and level 2 operators are on a rotating shift, correct?

19 A That's correct.

20 Q And the stipend is to compensate them for being on that
21 rotating shift, correct?

22 A Well, there's various components of it.

23 Q You agree that the day supervisors are not on a rotating,
24 unlike the other groups that are receiving a stipend.

25 A Yes.

1 MR. YOUNG: I don't have any other questions except
2 for possibly some questions for Mr. Dickie about the job
3 descriptions once I've had a chance or personnel files once
4 I've had a chance to look through them.

5 HEARING OFFICER DURYEA: All right. And I think what
6 we discussed off the record is that Mr. Dickie will be here
7 when we resume on Friday and you will have the opportunity at
8 that time, if you have any cross-examination based on that to
9 do that at that time.

10 MR. YOUNG: Fine.

11 HEARING OFFICER DURYEA: Ms. Ruggiero, any recross at
12 this point -- redirect at this point?

13 MS. RUGGIERO: Yes, a couple.

14 HEARING OFFICER DURYEA: Okay.

15 FURTHER REDIRECT EXAMINATION

16 BY MS. RUGGIERO:

17 Q You were questioned a few moments ago about the training
18 for restoration coordinator. Do you recall that line of
19 questioning?

20 A Yes.

21 Q And we talked about full training versus partial training.

22 A Uh-huh.

23 Q Does the company offer full training to become a
24 restoration coordinator to the systems operations manager?

25 A To the system operations manager? Yeah, so he goes

1 through the training.

2 Q Okay.

3 MS. RUGGIERO: Jeff, can you unshare your screen?

4 MR. YOUNG: Oh, I'm sorry.

5 MS. RUGGIERO: Uh-huh.

6 THE WITNESS: Because he's fully qualified, the
7 operations manager and he goes through that training.

8 BY MS. RUGGIERO:

9 Q Okay. And does the company offer the full training to the
10 day shift supervisor?

11 A Yeah, they could go through the training as well.

12 Q Okay. And does the RSS receive full training?

13 A Yes, they do.

14 Q Okay.

15 MS. RUGGIERO: I just need one minute.

16 HEARING OFFICER DURYEA: Okay.

17 (Pause)

18 MS. RUGGIERO: Can I just have one minute?

19 HEARING OFFICER DURYEA: Sure, do you want to go off
20 the record for this?

21 MS. RUGGIERO: Yes.

22 HEARING OFFICER DURYEA: Okay. Let's go off the
23 record. Do you want to come back in five minutes?

24 MS. RUGGIERO: Yes, that's perfect.

25 HEARING OFFICER DURYEA: Okay. Five minutes.

1 (Recessed at 2:30 p.m.; reconvened at 2:36 p.m.)

2 COURT REPORTER: On the record at 2:36 p.m.

3 MS. RUGGIERO: I have nothing further.

4 HEARING OFFICER DURYEA: All right. Thank you. Any
5 recross, Mr. Young?

6 MR. YOUNG: No.

7 HEARING OFFICER DURYEA: All right.

8 MR. YOUNG: Other than the possibility of --

9 HEARING OFFICER DURYEA: Right. As we discussed with
10 Mr. Dickie perhaps on Friday. All right, Mr. Dickie, you're
11 excused for today and will be expected to be here on Friday for
12 any -- for some possible recross by Mr. Young.

13 THE WITNESS: Okay. Thank you.

14 (At 2:37 p.m., witness excused.)

15 HEARING OFFICER DURYEA: All right, Mr. -- so,
16 Angela, do you have any other witnesses? Sorry. Ms. Ruggiero,
17 any other witnesses?

18 MS. RUGGIERO: I don't. One thing that we should
19 probably -- and we can go off the record for this, but because,
20 Jeff, you arguably are going to want more time, should we at
21 this point make notifications for Friday that the arbitration
22 is off?

23 MR. YOUNG: I can't imagine that we're going to get
24 through -- if you want to wait. I don't know that -- I'd like
25 to just get started with Mr. Rossi and --

1 MS. RUGGIERO: Let's do it. That's fine.

2 MR. YOUNG: Yeah.

3 MS. RUGGIERO: Okay.

4 HEARING OFFICER DURYEA: Okay.

5 MR. YOUNG: I mean, if you want to have Divya tell
6 the arbitrator that we're likely off, that's fine.

7 HEARING OFFICER DURYEA: All right. Well, with that,
8 Mr. Young, are you ready to proceed with your first witness?

9 MR. YOUNG: I am. I call Aaron Rossi.

10 HEARING OFFICER DURYEA: Hello, Mr. Rossi.

11 MR. ROSSI: Hello.

12 HEARING OFFICER DURYEA: If you would, could you
13 please raise your right hand for me?

14 AARON ROSSI, WITNESS, SWORN

15 HEARING OFFICER DURYEA: All right. And if you would
16 state your name and spell it for the court reporter.

17 THE WITNESS: My name is Aaron Rossi, A-A-R-O-N, and
18 last name R-O-S-S-I.

19 HEARING OFFICER DURYEA: All right. Mr. Young.

20 DIRECT EXAMINATION

21 BY MR. YOUNG:

22 Q All right. Mr. Rossi, where are you employed?

23 A I work at 780 North Commercial Street, Eversource, New
24 Hampshire.

25 Q And how long have you been employed by Eversource?

1 A A little over 18 years.

2 Q And the address you just gave, is that the dispatch or
3 control center?

4 A That's correct.

5 Q Okay. And what's your current position with the company?

6 A Operation shift supervisor.

7 Q And do you use a sort of more informal title?

8 A Shift supervisor.

9 Q How long have you been a shift supervisor, sir?

10 A Just almost two years. I believe it's like one year,
11 seven months.

12 Q Could you just review for Mr. -- the hearing officer, what
13 was your employment history with Eversource before you became a
14 shift supervisor?

15 A I started at Generation Plant, that was Miramax Station,
16 working for Eversource. I transferred from there to the Hydro
17 Department, which was the hydro units for Eversource. I worked
18 there for about nine, ten years. Then I transferred to the
19 SOC, which is the Distribution Control Center. And then I
20 transferred to the ESCC, which is the Distribution Automated
21 Transition Control Center.

22 Q And before becoming a shift supervisor, did you work as a
23 Level 1 operator?

24 A Yes, I did.

25 Q How long did you do that for, roughly, sir?

1 A I know I was -- so it was probably a little over a year,
2 and then I became Level 2.

3 Q How long did you work as a Level 2 --

4 A I'm going to say I was probably at least a Level 2 for a
5 couple of years before I became the shift supervisor.

6 Q Okay. Is there a general line of progression -- you work
7 in the ESCC, correct?

8 A That is correct. I used -- yeah. For the line of
9 progression, you come in as an SOS-1. You finish your
10 training, your calls, then the management will move you up to
11 the SOC-2. And then you finish your training there. You get
12 your pay raise. And then the next step would be the shift
13 supervisor, being more of a senior.

14 Q You heard Mr. Dickie testify about the creation in 2018 of
15 the shift supervisor position. What's your understanding about
16 why that position was created?

17 A My understanding, that position was created as a third
18 step for the operators to help keep the more senior operators,
19 and it was a point of contact for management to call somebody
20 at the control room.

21 Q When you moved about a year and seven months ago from your
22 position as a Level 2 supervisor to a shift supervisor, did you
23 get a raise in pay?

24 A Yes, I did.

25 Q About how much was that?

1 A It was \$7,000 on top of what I was making already.

2 Q There are six shift supervisors right now; is that
3 correct?

4 A That is correct.

5 Q And are the shift supervisors generally more senior and
6 more experienced than the operators?

7 A A majority of the time, but there are a couple senior
8 operators that are not shift supervisors.

9 Q And we heard some testimony about that fact. Do you know
10 whether those individuals who are the senior operators lied to
11 be the shift supervisor when those positions were created?

12 A The two seniors that I know of did not apply.

13 Q And who are those by name?

14 A That would be Marshall Diamond and John Duckless.

15 Q Let's talk about Mr. Diamond for a minute. Was there an
16 instance sometime in the last several years where there was an
17 outage in Laconia that affected about 20,000 customers?

18 A Yeah. So there was a plan job that was scheduled to go
19 that morning. Marshall Diamond opened up the wrong device, and
20 that tripped out about, like you said, around 20 or so, give or
21 take, thousand customers. And he quickly picked them back up
22 and it became a switching error.

23 Q And to your knowledge, was Mr. Diamond disciplined for
24 that error?

25 A Yes, he was. He was removed from the shift. He was taken

1 off shift. He lost his shift differential pay. And I can't
2 remember how long he was out, but he actually had to give a
3 presentation -- a training presentation on what he did to the
4 rest of the operators during training -- one of the training
5 cycles. So he definitely was disciplined. It was a big deal
6 at that time. That was the biggest one I've seen in a long
7 time.

8 Q When you say the shift diff, are you referring to the
9 stipend?

10 A Yeah. That's correct. Yes.

11 Q And was there -- do you recall who the shift supervisor
12 who would've been on duty at the time?

13 A I believe that was Matt Urie (ph).

14 Q Mike Urie?

15 A Matt Urie.

16 Q Matt Urie. I'm sorry.

17 A Yeah.

18 Q And no other Mr. Urie received any discipline for the
19 error that Mr. Diamond made?

20 A Not to my knowledge. He did not.

21 Q If he -- there was any discipline, would you expect it to
22 be in Mr. Urie's personnel file?

23 A Yes.

24 Q In the time that you have worked at Eversource as a shift
25 supervisor, have you received any discipline?

1 A No. I have not. No.

2 Q Have you disciplined for any mistakes that were made by
3 operators on your -- that you were -- on your team?

4 A I have not.

5 Q Okay. There was -- there's been some testimony about the
6 ability to serve as the -- sorry, it's something coordinator,
7 and I'm drawing a blank on the name in the case of a blackout.
8 What's that called again?

9 A The coordinator for the restoration.

10 Q Restoration coordinator. And you heard Mr. Dickie testify
11 that the shift -- about the operators, and the training that
12 Mr. Dickie said is different from the training that you
13 received. Have you attended training for the full draining?

14 A I have attended the training for the restoration.

15 Q And you attended all the sessions necessary so that you
16 can serve as the restoration coordinator if, God forbid, it was
17 necessary?

18 THE COURT REPORTER: I'm sorry, this is the court
19 reporter. The beginning of your question, Mr. Young, I could
20 not hear.

21 MR. YOUNG: Okay. I'll repeat it. Thank you.

22 BY MR. YOUNG:

23 Q Have you attended all training necessary, a full training
24 in Mr. Dickie's words, so that you could serve as the
25 restoration coordinator?

1 A I received it -- yes, I received the training that was
2 provided.

3 Q And when you received that training, were the operators
4 present at all training sessions that you attended?

5 A Yes. So they attend all the same training. We're all in
6 the same room. So they are trained on the exact same
7 procedures.

8 Q Are you aware of any training that you've received to
9 serve as a restoration coordinator that the operators have not
10 received?

11 A No.

12 Q No. Who do you report to, sir?

13 A I report to Andy Grady.

14 Q And what's Mr. Grady's title?

15 A He is a day supervisor.

16 Q Okay. Do you have any -- do any operators report to you?

17 A I do not. No.

18 Q And we saw that exhibit earlier, who's -- who's part of
19 your team?

20 A That is Brendan Von Koss and Kyle Studley.

21 Q And who do they report to?

22 A I think Brendan reports to Andy. I think Kyle does too.
23 I'm not sure on their -- the org chart. I would have to look
24 at that again. They do not report to me, though. They have to
25 report to the day supervisor.

1 Q Where do you work physically, sir?

2 A I work out of Manchester at 780 Commercial Street, in the
3 control room at ESCC.

4 Q And where do the operators work?

5 A They work in the same spot 780 Commercial Street,
6 Manchester Control Center.

7 Q And how about the day supervisors?

8 A Day supervisors work in the same location, 780 North
9 Commercial Street. Same control room. Besides one now is --
10 they have him working at 1580 at the moment.

11 Q If you know, do any of the day supervisors ever work at
12 locations other than the control center?

13 A During their position in that -- not as -- no, they're
14 always -- either -- they could be working from home. Usually,
15 you have two day supervisors in the control room during normal
16 working hours. And then you have one that was working from
17 home, so they would take turns. I believe that there is one at
18 1580 now. So you always have two at 780 Commercial Street
19 control room.

20 Q So at least for a period of time, the day supervisor was
21 permitted to work from home?

22 A Yes, correct.

23 Q Is that still the case? I'm a little bit unclear from
24 your testimony.

25 A I'm not sure. They just recently made that change.

1 Q Okay. Have the -- strike that. Have you, as a shift
2 supervisor, have you ever been permitted to work from home?

3 A Not during shift. During COVID, when we were on our
4 spares or training week, we could work from home. But we can't
5 work from home while we're on shift. We need to monitor the
6 system.

7 Q And how about the operators? Any difference between --

8 A Same. And that's the same answer for that one.

9 Q Okay. Can you just briefly describe, I think that Mr.
10 Dickie may have done, so what the control center looks like?

11 A Yeah. You have a map board, which is about 70 feet long,
12 maybe 20 -- 20 feet high. And then you've got seven desks.
13 You've got four up front, and then you have three out back.

14 Q And seven desks up front. Who sits there?

15 A That is going to be the operators usually sit up front
16 during shift.

17 Q Where do the shift supervisors sit?

18 A Shift supervisor will sit in the middle in the back row
19 during a shift. On spares and training, you'll have extra
20 operators in there, and they can sit in the back row too, or
21 the front. Wherever there's an open desk.

22 Q What about the day supervisors? Where --

23 A Day supervisors have their own office. There's two
24 offices behind the shift supervisor.

25 Q There was some testimony about the fact that you work

1 rotating shift. Does that schedule have a name?

2 A I know it's a six-week rotating shift. I'm not sure of
3 the exact name of that.

4 Q Okay. There was some testimony about a cell phone that's
5 kept in the dispatch center or cell phones in the control. Do
6 you recall hearing that testimony --

7 A Yeah.

8 Q When did -- well, first of all what are those cell phones
9 used for?

10 A That cell phone -- there's one, I believe, in the backup
11 center. We definitely have one in the control center. That is
12 so management or the day supervisors can get a hold of us or we
13 can get a hold of them and get direction if there's something
14 that's abnormal about the system.

15 Q When you say -- what do you mean by "get direction from
16 them"?

17 A If there is an abnormal situation where it's not in the
18 procedures that we have, we'll call them, the day supervisor,
19 it could be the manager. I've called the director before to
20 let them know what we have going on, and they'll give us
21 direction on that sometimes.

22 Q Do you have any authority to -- say that Mr. Von Koss was
23 absent from your team for some reason, and on day -- say he's
24 out sick. Do you have any authority to replace Mr. Von Koss?

25 A I personally don't have the authority. I have to call the

1 day supervisor to let him know. It's up to the day supervisor
2 to make the call of do they call somebody else in or do they
3 just leave it a two-man crew. Two person.

4 Q What about in terms of if there's an unexpected outage, do
5 you have any authority to call in anyone -- you heard -- strike
6 that. Let me start over again. You heard testimony from Mr.
7 Dickie in which he described individuals who were off duty,
8 meaning that they're not on the schedule, correct?

9 A Correct.

10 Q Okay. Do you have any authority if, in the event of some
11 kind of an outage, do you have any authority to call in someone
12 who is off duty?

13 A I do not. I would call the shift supervisor -- excuse me,
14 the day supervisor or management if, like you said, if it was a
15 storm. And then the day supervisor would go and call other
16 operators in. Because I don't know their schedules by heart.
17 The day supervisor is responsible for calling in extra
18 personnel.

19 Q You don't have the authority independently, if I
20 understand you, to call someone in?

21 A Correct. That would be the day supervisor would do that.

22 Q Do you have any authority to have one of the individuals
23 who was off-shift, which means they're either on training or
24 spare week, to move them?

25 A No. I do -- I don't move other operator's schedules.

1 That is up to the day supervisor to do that or management.

2 Q Do you have any authority with respect to vacation
3 scheduling?

4 A No, I don't. That is up to the day supervisors to approve
5 or deny operator and shift supervisor vacation days.

6 Q Do you have any authority to tell among who's at work that
7 you can work overtime?

8 A No. I -- that is up to the day supervisor to ask people
9 to stay late if there is a job -- they're in the middle of a
10 job, if the operator wants to stay late, they can. But I tell
11 them, find a good stopping point and then we're going to pass
12 the job off to the next shift coming in, and that is done by a
13 turnover. You review all the items that happened that day, and
14 that operator will review that ongoing job, and then pass it
15 off to the next operator at a good stopping point.

16 Q Do you have any authority to tell someone to come to work
17 earlier than the start of their regularly scheduled shift?

18 A No, I do not. That's up to the day supervisor to request
19 somebody to come in early.

20 Q Do you have any authority to change anybody's schedule?

21 A No, I do not. I can't change somebody's schedule.

22 Q Okay. Now, there's -- we've heard some testimony that
23 there are three day supervisors and that is Mr. Zanetti, Mr.
24 Messier, and Mr. Grady, and you said you report to Mr. Grady;
25 is that right?

1 A That's correct. I report to him.

2 Q How frequently are you in contact with Mr. Grady?

3 A Mr. Grady, constantly. During the day he's -- he is
4 working when I am on shift during the day, and if I have an
5 issue while I'm working nights, I call him directly. Each
6 shift supervisor has a day supervisor that they report to at
7 night if there's an issue that can't be resolved with the
8 following procedures, or station orders, or anything that's
9 abnormal.

10 Q When you said that each shift supervisor has a day
11 supervisor to report to at night if issues arise that can't be
12 resolved, are you always contacting in those situations Mr.
13 Grady or could it be one of the other two day supervisors?

14 A It could be the other two unless -- Grady is usually my
15 go-to unless he's on vacation. And then they let me know, so-
16 and-so is on vacation, you've got to call the next one.

17 Q And with respect to the other shift supervisors, would
18 they also be always contacting Mr. Grady or would the --
19 whoever their regular day supervisor is?

20 A They would be calling whoever their regular day supervisor
21 is.

22 Q So in other words, if I'm a shift supervisor and Mr.
23 Messier is my normal day supervisor, that's who I would be
24 expected to contact at night?

25 A That's correct. Nights or weekends. Yeah.

1 Q Okay. And I forget, does Mr. Zanetti actually have any
2 shift supervisors that report to him?

3 A I believe he does. I know there's some shift supervisors
4 that call him at night. I don't want to say the wrong name.

5 Q Okay. Well, I think we have the org charts in there, and
6 we can just get it through that. I wanted to go back to the
7 cell phone. So you were -- you used the cell phone, you say,
8 to -- what are the reasons that you would be using the cell
9 phone to communicate with other personnel?

10 A That would be notifications, if there's an abnormal
11 situation. It could be calling or texting with that.
12 Management could be calling us, and sometimes we get direction
13 from management for the day supervisor through that cell phone
14 also. A point of contact that's not on a recorded line.

15 Q The day supervisors when they are at work at the control
16 center, do they work the same exact shift?

17 A The -- as the shift supervisors? No.

18 Q No.

19 A They just work eight -- they usually work eight-hour days.
20 It could be staggered. That way one stays a little bit late,
21 but it's just eight-hour days, usually 2:30 or --

22 Q So let me back up. As a shift supervisor, you're working
23 a 12-hour shift, correct?

24 A Correct. Yes.

25 Q And the operators Levels 1 and Level 2 are working a 12-

1 hour shift?

2 A Correct.

3 Q Okay. And the day supervisors are working eight-hour
4 shifts?

5 A Yeah, eight hours. Yeah.

6 Q And are the day supervisors work the same exact eight
7 hours as to each other?

8 A Sometimes. Sometimes it's staggered by an hour or so.

9 Q Okay. If you're sick and you need to be absent from work,
10 what's the procedure for you?

11 A I will call my day supervisor, Andy Grady.

12 Q And is he the one that would approve whether you can be
13 out of work?

14 A Yeah. It's up to him to find a replacement for me.

15 Q Okay. And is there any difference between who the
16 operator would call?

17 A They would call whoever they report to. It would probably
18 be Andy Grady also.

19 Q Okay.

20 A The day supervisor would find a replacement for them if
21 need be. Sometimes you can run two guys -- two people.

22 Q If you're out of work as a shift supervisor who -- do the
23 operators on your team ever fill in for your position as the
24 shift supervisor?

25 A I believe there was a time when Brendan filled in for a

1 shift supervisor. It wasn't me. It was prior. And I know
2 John Duckless has stepped in and covered that role also.

3 Q And Mr. Duckless is the most senior operator; is that
4 right?

5 A Correct. Yes.

6 Q If you are absent and the day supervisor decides to fill
7 your position, I understand you -- it could be by another
8 operator. Is that right so far?

9 A Yeah. That's possible. Yes.

10 Q Okay. And would that typically be a Level 2 operator?

11 A Correct. Yeah. You wouldn't put a Level 1. It has to be
12 someone that's Level 2 senior. That's what they've done in the
13 past. That's what management decided to do in the past.

14 Q And it could be that the day supervisor would call in
15 another shift supervisor who is off duty?

16 A That's correct, yes.

17 Q And would the day supervisor assign an off-shift
18 supervisor, who's either in training or a spare?

19 A The day supervisor could possibly ask another shift
20 supervisor to cover. It's up to -- it's their discretion if --
21 what they're going to use. Not mine.

22 Q Bottom line is that it's the day supervisor who decides
23 whether to fill it and, if so, who's going to fill it?

24 A That's correct. Yes.

25 Q Okay. Do you have any authority on your own if you're

1 absent to call someone in to fill in for you position?

2 A No, I do not.

3 Q I think you answered this before, but do you have any
4 authority to call in an operator if two operators on your team
5 is absent?

6 A I do not. That would be the day supervisor calling in
7 somebody else. Not me.

8 Q Who determines if you can take a vacation?

9 A That is the day supervisor.

10 Q Can you grant vacation time to an operator?

11 A I cannot.

12 Q If an operator is absent, do you ever do the work of that
13 absent operator?

14 A Yes.

15 Q Can you explain how that works?

16 A So the shift supervisor have -- do basically the same work
17 as the operators. We switch, tag, we do outages. We adjust
18 voltage. We take care of the system because we're still
19 operators.

20 Q Can you approve sick time?

21 A No, I cannot do that, no.

22 Q Who does that?

23 A That would be the day supervisor.

24 Q Okay. You just said a moment ago that you did essentially
25 the same thing as the operators. Could you just briefly

1 describe -- I know we've seen your job description, but what
2 basically are you doing?

3 A So typical day. We have planned work that's set up by the
4 coordinators in the field. It's planned. They plan the times,
5 and the switchmen or field personnel know they have to be
6 there. They see that in the program that we use, ITOA, and so
7 I will also take switching -- or I perform the switching like
8 the operators and perform the jobs. Also, we have -- if we had
9 -- so we monitor the system for voltage. There are certain
10 limits that we have to go by for voltage. We take care of that
11 also.

12 Q Can you talk a little bit -- do the operators do the same
13 thing essentially?

14 A Yeah. They take of -- they'll do voltage. They -- we
15 take care of contingencies. We take care of outages. So the
16 operators and shift supervisors all do that, and we're all
17 trained on the same. We have the same Newark license.

18 Q Can you talk a little bit about how -- I take it -- strike
19 that. Let me start over again. There are more than one -- or
20 can there be more than one planned outage in a day?

21 A Yes. There can be.

22 Q Is that common to have multiple planned outages?

23 A Planned outages? Yes. We can have -- I've seen all the
24 way, ten or more sometimes.

25 Q So let's suppose that there's ten outages on the same day

1 that our plan to be worked, that's -- I think you said starts
2 off with a request by the -- somebody out in the field, and
3 then the coordinator planning the time to start, correct?

4 A That's correct. So the field will put in their
5 application and the work they want to do, goes to the
6 coordination department, where they either approve or deny that
7 that job can go. They set the time that they want, and the
8 coordination works with the field, with a time. Once they
9 agree on that, it gets pushed through to us, or we review it.
10 Actually, we write it, then we review it, and then when the day
11 comes, we perform that job -- we switch out that job.

12 Q And -- one moment here. I'm showing -- well, hopefully
13 I'm showing -- are you seeing --

14 A I see mostly your email. I see that application it looks
15 like you're trying to pull on the right.

16 Q Yeah. I'm not sure why it's not pulling. Let me try
17 again. Are you seeing the test document?

18 A I don't see anything.

19 Q All right. Let me try again. I'm sorry. Maybe I need to
20 start over. I think that succeeded. Now are you seeing --

21 A I see --

22 Q I've got to do one more step here. Now, are you seeing
23 Petitioner Exhibit 14?

24 A Yes. The out of service Pemigewasset.

25 Q Okay. So that's an example of what you're describing you

1 do?

2 A That is correct. So you start with it's a planned work,
3 so that you know that was done by -- the field put that through
4 to coordination. The coordination set up the time with the
5 field, so you have the start and end date. And the -- if you
6 scroll up, you have the tag holder, which that is done by the
7 field. They decide who is going to hold the clearance. It
8 looks like Jared Meyer with his cell.

9 Q Why don't you just walk me through the steps of this
10 procedure, please?

11 A Yeah. So you have -- like we just talked about, we have
12 the planned up top. We have the start and end date, what time
13 it's going to start. And then you go down to the APL
14 requester, which is Jared Meyer. So he requested this. So
15 this is --

16 Q Who is Mr. Meyer, for the record?

17 A He is a field worker that is requesting to do this work on
18 it looks like this line here, so the E 115 line. So it's a
19 field personnel requesting.

20 Q Keep going. Tell me what happened. What --

21 A So you have the station where it's -- that line's coming
22 out of. They go all the way to Ashland Tap. He added some
23 devices in there, and then he has his work to be performed.
24 He's replacing some structures, pulling conductor OPGW. So he
25 tells you what he's going to be doing, and then he adds in his

1 clearance points. So Ashland Tap. He's looking for the
2 switch, clearance tagged the 115J2. And then at Pemigewasset,
3 he wants that disconnect clearance tag, and that's the 01501.
4 And then you have the coordination remarks right there. So
5 they're looking for any issues with other jobs, where it might
6 conflict. They put the ISO -- the load for the day. How many
7 megawatts are going to be used in the area. They actually
8 added in the 85CO, which is a relay. So that's good.
9 Coordination is right on that.

10 Then you have your loss of the A111, and they tell you how
11 to isolate. And I'm saying with the loss of the Z180. So
12 that's -- coordination is putting that in. So they're giving
13 you steps if you lose that line. This is how you pick it up.
14 So they're giving you that information because you don't want
15 to have stranded customers.

16 And then you have the SOS notes and remarks. So it looks
17 like John Duckless added that remark. He was probably writing
18 the switching and he wanted to leave a trail of information for
19 the people that are checking the job, which are operators, all
20 the way up to the day supervisors that check these jobs.

21 Q And I'm turning to page three.

22 A So the --

23 Q -- (indiscernible) that?

24 A The customer load exposure. So for those --

25 THE COURT REPORTER: I'm sorry. I did not catch that

1 question, Mr. Young.

2 MR. YOUNG: Yes.

3 BY MR. YOUNG:

4 Q I'm looking at page three, customer load interruption
5 exposure. What's that?

6 A So that is -- if you lose that All1, that line, you are
7 going to be dropping a lot of customers, and they are letting
8 you know you can pick up all of those customers under five
9 minutes with SCADA switching.

10 Q And what's the related request have to do with --

11 A So related request would be jobs that were similar to this
12 one, either -- it looks like one was already closed out, that
13 first one. And then the other two were received by ops. So it
14 looks like they might want to do some other work on that other
15 job there.

16 Q Is that the same thing?

17 A Yeah. It looks like right around -- could be doing some
18 RT work. I'm not sure without looking that one up.

19 Q And then I'm going to the next page, page four, and we had
20 some testimony from Mr. Dickie?

21 A Yes.

22 Q Just explain to us what this originated by, and checked
23 by, and --

24 A All right. Originated by. That was Josh Anderson. So he
25 was the first one to start writing in the switching that it was

1 checked. And those are all operators, shift supervisors, and
2 you have a day supervisor in there that checked that job, make
3 them -- putting a check on there is saying that job is ready to
4 go, it doesn't need any changes. If you make a change, it
5 wipes all the names out and you've got to start over, and then
6 you've got to recheck it. And that should be an ESOP 100.
7 It's all procedure.

8 Q Now, starting -- I'm looking now at page five, and that's
9 the start of the steps that have to be gone through; is that
10 right?

11 A Yeah. So you start off by reviewing the print. And then
12 you follow the sequence of the steps.

13 Q All right. And in the lefthand margin there -- I'm
14 highlighting, there's some initials. Do you know whose
15 initials those are?

16 A Yeah. I do. That is my initials, AR. Yeah.

17 Q What's the significance of your initials there?

18 A So at this one, I was reviewing the job before it was
19 issued. So I did notice the at switch, so I made sure I
20 checked that switch that was in the alternate position as I was
21 going through.

22 Q And now on page eight, and there again is some initials in
23 the left margin. Do you know whose initials those are?

24 A Yes. Those are mine. Aaron Rossi. AR.

25 Q And when you're putting -- what's the significance of --

1 do all of these switching orders have to be initials by
2 someone?

3 A Somebody qualified. It could be a SOS 2 operator. It
4 could be even a day supervisor could check it off also.

5 Q Okay. It has to be either a qualified operator. Are
6 other shift supervisors qualified?

7 A Yes. All the SOS 2s.

8 Q When you say SOS 2, we've been using the term, that's an
9 operator Level 2?

10 A Correct. Operator 2, sorry.

11 Q And that could be a day supervisor.

12 A That's correct. Yes.

13 Q When you put your initials there, what, if anything, are
14 you attesting to or signifying?

15 A You're -- so when you put your initials there, you're
16 going through the switching. Make sure everything -- all the
17 steps were correct. That it was performed, all the tags were
18 hung. That when you write your initial there, you're saying
19 everything is 100 percent ready to go.

20 Q Okay. Let's look at Petitioner Exhibit No. 18. And is
21 that Petitioner 18 up on your screen, sir?

22 A Yes, the P145 out of service. Correct.

23 Q And understanding that this is a different job from
24 Petitioner Exhibit 14, does it basically go through the same
25 procedure that you've just described?

1 A Yeah. That's correct. Planned. You have the start date.
2 You have the APL requester, the field Adam Baker, yeah. You've
3 got the lines, equipment involved that's going to be switched.
4 That's put in by the field. If you keep scrolling down, you
5 should have the tag points. Yeah, clearance points. They gave
6 you the devices they want opened and tagged.

7 Q The -- skip ahead here to Exhibit 18, page eight. And do
8 you see the initials at the bottom of that page?

9 A I do. I see Brendan Von Koss. And then it looks like
10 Richard Murphy issued the clearance. So now -- this is a good
11 example of the job that was handed off. So if you scroll up,
12 you should see the time. See, he has the time and the date.
13 So right now --

14 Q Can you tell me where? I am not seeing it.

15 A So if you look at step 31.

16 Q Yeah.

17 A If you look at the initials, you have the timestamp 0455,
18 he issued the step. So right there, it's telling me that's the
19 night crew that performed the switching. So they probably
20 paused the job. That's a good stopping point. Yeah. And keep
21 scrolling down. So now it looks like Richard Murphy picked up
22 the job, had Brennan review it, I'm sure Richard reviewed it
23 also, and then Richard was the day shift, so he took that job
24 and issued out the clearance.

25 So that's where we do the stop, right? That way that

1 night guy is not staying late into the day. You stop at a good
2 point, you pass the job off to the day. And then they review
3 it again, right? And then Brendan put his initials, saying
4 that job -- everything was tagged right. And then Richard
5 issued the clearance.

6 Q Is this an example -- Mr. Dickie testified that an
7 operator can sign off on the shift supervisor or vice versa.
8 Is that what this is representing here? That an operator was
9 signing off on a shift supervisor's work?

10 A That's correct. Yes.

11 Q Okay. And just for the record, Mr. Murphy is a shift
12 supervisor, correct?

13 A Yes, he is.

14 Q Okay. One moment please. Could you describe for the
15 record how the turnover works?

16 A So it's usually done morning, so 6:00 a.m., and then 1800
17 at night. So what happens is we -- the oncoming crew gets all
18 settled in. They review the system. And then they say they're
19 ready for turnover. And then we discuss what went on that day,
20 any abnormal conditions of the system, what jobs are still out.

21 So in a way, it's everybody gets a chance to speak. So I
22 may speak first. Sometimes not. Sometimes I'll say Brendan,
23 what do we have going on? What did you do today? Let's fill
24 these guys in with what's going on. And then it goes to the
25 next operator, and back to me. And then the oncoming crew will

1 ask questions. Each operator has a chance to ask questions
2 about the ongoing work, or any abnormal conditions.

3 Q So it's a --

4 A It's a team effort. It's not one person initiating it and
5 only speaking. It's everybody speaks.

6 Q Let me go back because I neglected to ask you a question
7 about when we were talking about the planned work on a given
8 day, and you said that there could be as many as ten jobs that
9 need to be done. How is that parceled out?

10 A Okay. So in the morning, so that's usually when we get
11 all of our work, we discuss as a team all of the work that's
12 going. We talk about the out of service, because it has the
13 most impact, right? So we talk about the out of service, and
14 we try to divvy it up evenly. Obviously, you can't get a --
15 give a non-qualified operator a job, right? So I'll discuss,
16 do you feel comfortable performing this job? If the operator
17 says yes, I reviewed it. I feel comfortable. And then I will
18 hand him that job. So his task is to complete that job. If
19 the operator says no, I don't feel comfortable. I didn't
20 review it. It could go to another operator or I. So we try to
21 break it up evenly. So I -- obviously, I take jobs too. It's
22 not just the operators. It's everybody in that room takes the
23 out of service. You've got to break it up evenly.

24 Q In terms of, you said you have this team meeting and you
25 used the word "we," who are the individuals by job title who

1 would participate --

2 A That would be --

3 Q Hold on. Let me finish. So the record is clear. Who are
4 the individuals who would participate in the team meeting?

5 A That would be the shift supervisor and the operators. It
6 could be the --

7 Q Does the day supervisor participate at all?

8 A At -- yes. So we have -- so a couple different things.
9 So we talk about the jobs prior to a call that we have at 7
10 o'clock. Because some jobs start at 6:00, so sometimes the day
11 supervisor is not in at 6:00. So we discuss the jobs. But at
12 7 o'clock, the day supervisor initiates a call between the
13 operator in the control center, ESCC, and the coordinators in
14 the SOC.

15 So the day supervisor coordinates that call on Teams and
16 we all have a chance to discuss ongoing work, concerns, any
17 abnormal conditions on this call at 7 o'clock that we do.

18 Q And in terms of the switching orders that are written, how
19 do you determine which is to be opened or closed?

20 A So the switching step should tell you if you're opening or
21 closing the switch, or am I not understanding your question?

22 Q What do you mean by the switching steps? In other words,
23 I'm -- I need to go -- the switching and tagging orders show
24 multiple steps, but how do I know --

25 A So you follow, from starting from step one, and you

1 perform step one, go to the next step, then go to the next
2 step. And that step will tell you what to do. It's all typed
3 up. If you are opening up such and such disconnect, and
4 clearance tagging it. It could be a field step where the
5 operator or the shift supervisor is giving that step to the
6 field per the station orders -- or per the switching order.

7 Q I note that at least in one of them in Petitioner Exhibit
8 14 that the work was -- or the order, rather, or request was
9 initiated by somebody out in the field. What's the role of the
10 field personnel?

11 A So the field personnel plan the jobs of what they have to
12 do. If they've got to repair some poles, they've got to put up
13 some new wire, they've got to change out a transformer. So
14 they schedule all of that. They plan it. They talk to
15 coordination and work with them on when they can do it so it's
16 not conflicting with other jobs. And they assign -- the field
17 assigns their own personnel to be working on these planned
18 jobs.

19 Q If during -- we have -- Mr. Dickie gave some testimony
20 about what happens in the course of a planned work where there
21 is an unexpected outage. Can you explain what -- typically
22 what happens in that -- not a blackout, but in the situation
23 where a line is -- unexpectedly goes down or some different
24 work needs to be performed, how that works

25 A Yeah. So if you have an unplanned outage, or a line goes

1 down, if it's a SCADA controlled device, we will see that alarm
2 come through at the control center. All operators and shift
3 supervisors stop what they're doing. You focus on that outage.
4 And then as a team, we discuss what we see and the steps that
5 we're going to do to restore customers. If you can
6 sectionalize that line, but there's always an agreement of
7 either an operator saying I see this. I'm going to open up
8 this device. Do you agree? And in our group, you have to wait
9 until you say, I agree -- another operating saying that, or a
10 shift supervisor, or vice versa before you proceed, because
11 sometimes you may not see the whole picture.

12 Q By sectionalize?

13 A So you can break down. There could be multiple devices
14 that we control at the control center in that line where you
15 can open another device and then close in on the other side to
16 pick up other customers that were out.

17 Q Say that work, as a result of an unplanned outage,
18 something needs to -- things sometimes need to be done out in
19 the field, is that right?

20 A That's correct. So --

21 Q Let me ask a question. How is that determined who's going
22 to -- who determines who's going to do the work?

23 A So that is -- the field does the work. So if you have the
24 outage, you have the lines sectionalized. So you have a
25 general idea in between two devices. It could be miles,

1 though, you know. We will call the SOC, which they handle
2 running the call list for the linemen if it's ours. So they
3 run that call list, and you don't know who you're going to get
4 on that call list. It could go -- it could be in that
5 territory. It could be out of that territory.

6 So once you get the linemen in for the line, they go out
7 there, and they take a look, and try to find what caused that
8 outage. And they'll call us, telling us what they found. And
9 if they need more help, they are calling either their
10 supervisor, the field supervisor. The lineman's calling the
11 field supervisor or they are calling the SOC to run the call-
12 out list for four more guys, or four more people.

13 And when they tell us we need an isolation from these two
14 disconnects, that's where we start writing up emergent
15 switching -- emergency switching that we can isolate for those
16 line guys to make the repairs. So it has to -- once we write
17 that up, it has to go through the room and everybody's got --
18 you've got to have at least three signatures on there to be --
19 you know, as long as everybody's qualified at signing it.

20 Q Let me back up for a minute.

21 A Yeah. That was a lot of information.

22 Q Yeah. If --

23 MS. RUGGIERO: Can we -- would this be a good time to
24 just take a quick two-minute break?

25 MR. YOUNG: Sure.

1 HEARING OFFICER DURYEA: Sure. That's fine. Come
2 back in -- let's come back at 3:40. Off the record.

3 THE COURT REPORTER: We are off the record at 3:37
4 p.m.

5 (Recessed at 3:37 p.m., to reconvene at 3:42 p.m.)

6 HEARING OFFICER DURYEA: Back on the record.

7 THE COURT REPORTER: On the record at 3:42 p.m.

8 BY MR. YOUNG:

9 Q And I think what you were just talking about is what
10 happens in a situation where you have an unplanned outage that
11 occurs not during planned outage work. Is that correct?

12 A Yeah. That's what I was talking about.

13 Q Okay. So let me back up for a minute because I wanted to
14 go back to the switching orders, which are used for planned
15 outage work. Okay?

16 A Yes.

17 Q Okay. So in the instance of a -- where there's planned
18 outage work and something goes amiss, you have to make changes,
19 correct, to the switching order to restore the system, or to
20 take care of the problem?

21 A That's correct. So --

22 Q Let me just ask a question before you start answering,
23 okay? So when you need to make a change, does the operator
24 have authority to make that change?

25 A The operator can make the change, but he needs to have a

1 signature of somebody that reviewed that step change for
2 approval.

3 Q And the person who reviewed that step change could be
4 another qualified operator; is that right?

5 A That's correct. Yes.

6 Q And it could be a shift supervisor, correct?

7 A Correct.

8 Q And could it be someone other than a qualified operator or
9 a shift supervisor?

10 A They have to be a qualified operator. It could be a day
11 supervisor.

12 Q Okay. Because the day supervisors are all qualified
13 operators?

14 A That's correct. Yes.

15 Q Okay. Let's take the reverse scenario. Exhibit 18 was
16 one that we looked at that was signed off by Mr. Von Koss. If
17 you were in charge of the switching and tagging and something
18 and an unplanned outage during a planned work occurs, you could
19 make a change, correct?

20 A Correct.

21 Q And does someone have to sign off on that?

22 A Yes. The --

23 Q Who would that be?

24 A Qualified operator or another qualified shift supervisor
25 can sign off.

1 Q So in other words, if there's a change in the switching
2 order, or planned work because of something unplanned, either
3 you can sign off on the operator, if the operator is making the
4 change in the switching order or the operator can sign off --
5 qualified operator, I should say, could sign off on you if
6 you're the one that's making the change?

7 A That is correct. Yes.

8 Q Okay. Now, when you're -- sometimes when you're making a
9 change, that means that somebody out in the field has to go to
10 a particular location to do some work; is that right?

11 A If you're making a change?

12 Q Yeah.

13 A So usually -- yeah. If -- yeah. If they -- depending
14 where it is, if it needs a relay turned off, yes. Field
15 personnel would have to respond to that substation. Yes.

16 Q And if you were the person who was in charge of the
17 switching order for that day, are you the person that decides
18 which field operator goes out, or field electrician goes to
19 wherever that individual must go to take care of the problem?

20 A No, I can't just assign any person. It has to go through
21 their supervisor to know who's going. So I don't know who's on
22 vacation either. So I can't just call any field electrician
23 and go, hey, can you go over there? Plus, they've got work
24 going on too. So I would -- the proper way, which I've done in
25 the past, would be call their supervisor, and their supervisor

1 would call whatever switchman is available in that region.

2 Remember the map we had. That's the proper way to do it.

3 Q That's what -- let me bring up a map.

4 A I mean, there is -- yeah. You've got the map.

5 Q Hold on a minute.

6 A There is instances where you are already on the phone with
7 a switchman, and you can ask, do you have anybody in the area.

8 And one of the switchmen can go --

9 Q Do you now see Petitioner Exhibit 23, the map?

10 A I know what it looks like.

11 Q Is it on your screen now?

12 A No, it's not.

13 Q Can you see the map now?

14 A No, I can't.

15 MR. YOUNG: Can you hear me?

16 HEARING OFFICER DURYEA: Yes.

17 MR. YOUNG: Can you hear me okay?

18 HEARING OFFICER DURYEA: Yes.

19 MR. YOUNG: Okay. Can you see the map now?

20 HEARING OFFICER DURYEA: No. You might need to
21 select something else to be screen sharing from.

22 MR. YOUNG: I'm going to stop sharing and start over
23 again. Sorry.

24 HEARING OFFICER DURYEA: There it is.

25 MR. YOUNG: Thank you.

1 BY MR. YOUNG:

2 Q Can you explain, Aaron -- first of all, what is Petitioner
3 Exhibit 23?

4 A So this is a geographical field electrician layout for New
5 Hampshire. We use this all the time. It's been around a long
6 time. And if you look to the left, it has the supervisors.
7 You've got Ryan Ruland in the yellow, Ben Briggs in the blue,
8 Sean Morrissey, and then Jerry Bolduck. So they're color-
9 coded, so you know which supervisor to call for what field
10 electrician. So if you look top right, you have the field
11 electricians and their area they cover. So they use this quite
12 a bit. This is one of our go-to's.

13 Q And it looks like -- what's -- where it says in the
14 lefthand column or box, NH Regions/AWC/district number?

15 A They're giving you the breakdown of what AWC, which would
16 be the line crews also in there. It looks like they've got
17 actually radio numbers in there too. I think that's what the
18 12 and the 22. So it's all broken down. So you can see where
19 the switchman's area that they cover.

20 Q And if there is work that needs to be done out in the
21 field in the event of an unplanned outage during planned work,
22 how does this map relate to that?

23 A So this map, you have the area that the switchmen work out
24 of, or the field electricians. And then you have their
25 supervisors, so you would call their supervisors and see if

1 they had anybody available in that certain area or region where
2 the issue was.

3 MR. YOUNG: I don't think Exhibit 23 has been
4 admitted. I move the introduction of Exhibit 23.

5 MS. RUGGIERO: My only objection to this would be I'd
6 like to redact the phone numbers out of it.

7 MR. YOUNG: I'll arrange to do that.

8 MS. RUGGIERO: Thank you.

9 HEARING OFFICER DURYEA: So at this point, do you
10 want to -- should we get the redactions first and then get it
11 admitted, or should we admit it now, conditioned on later
12 receiving a redacted version?

13 MS. RUGGIERO: I think we can admit it now.

14 HEARING OFFICER DURYEA: Okay. All right. Okay. So
15 let's see, Petitioner's 23 is received, conditioned on Mr.
16 Young later getting us a copy of it where the telephone numbers
17 are redacted.

18 (Petitioner Exhibit No. 23 received.)

19 MR. YOUNG: I'm going to send myself a note so I
20 don't forget. Otherwise --

21 THE COURT REPORTER: I'm sorry. I didn't hear you,
22 Mr. Young.

23 MS. RUGGIERO: He said he was going to send himself a
24 note.

25 THE COURT REPORTER: I see.

1 (Pause.)

2 BY MR. YOUNG:

3 Q Now, we've been talking about what happens if there is an
4 unplanned event during planned work and how -- what has to
5 happen in terms of addressing that unplanned event. How, if at
6 all, is that different if the event happens at night, Aaron?

7 A Okay. So issue at night, off hours. There is a call list
8 for the field electricians. We run a call list for that
9 region. It goes through a list. And if somebody accepts that
10 list, they come in. I don't know who it's going to be, or I
11 can't pick and choose who it's going to be. But if nobody in
12 that area picks -- or takes that call out, it goes to the next
13 area.

14 So like, on that map, you have Berlin, which is the dark
15 green, that area, where you have like Jeremy, Joe. So if they
16 don't accept that, it goes to the next closest area which -- if
17 you scroll down, it would probably be -- it could be Chocorua
18 area. So it would be the blue square. You've got Grandey
19 West. Nick Sleeper and Jeff.

20 So that call out list could reach out to the next nearest
21 crew and go through.

22 Q So there's -- if I understand you --

23 A There's a couple of different situations here, so that's
24 if there is off hours, if there is an issue at a line, pole-top
25 device. I know, I'm getting -- but if there's an issue at the

1 substation, where the transformers are, we call the on-call
2 supervisors and they run the list.

3 So there's two different things here. Hopefully, I didn't
4 confuse everybody. So if it's in the substation, the control
5 center, the operators call, which would be the 1250 on-call.
6 They try to get somebody to respond to that. If it's a -- if
7 it's out on the line, and it's like a device on the line, the
8 control center can run the list.

9 So there's two different things there. So it's a little
10 confusing. But --

11 Q Well, let's take the scenario where you just said the
12 control center can run the list. Is there a pre-established
13 list?

14 A That is -- yes. That's pre-established by the field on
15 their work schedule, vacation schedule, and however they have
16 it set up.

17 Q How are the calls if -- let's say that I'm number one on
18 the list, is the control center actually calling me or how does
19 that work?

20 A No. The control center doesn't -- it's the automated call
21 list. They're the program we use. We just type in the message
22 we want and it goes out through the list. I can't just call --
23 I'm calling Jeff because I know he's good. I can't do that.

24 Q Okay. So when you say that it's an automatic call-in
25 list, I understand you that it's all -- that list is

1 preestablished. You type something into a computer or
2 something like that, and that generates a call to the first guy
3 on the list, and until somebody says yes, I'll come in?

4 A Correct. Yes.

5 Q Okay. And if, on the other hand, the problem is at the
6 substation, then if I understood your testimony, the on-call
7 supervisor for that substation would make the call or does he
8 go to -- also go to an automated list?

9 A So I called the on-call. He goes, decides if he is going
10 to send somebody or not. Then if he's going to send somebody,
11 he goes and uses the list. That on-call has the judgement call
12 to say, no, we'll wait until the morning, or yeah, I'm going to
13 run the list and see if I can get somebody over there. So that
14 on-call makes the judgment call of are we going to hold it
15 until the morning or are we going to call somebody in.

16 Q That on-call is a field supervisor?

17 A Yeah. There's a group of them that are field supervisors.

18 Q It's not a shift supervisor?

19 A Correct. It is not a shift supervisor.

20 Q And it's not an operator.

21 A Correct. Not an operator.

22 Q Okay. So let's go to the next scenario where there is,
23 you know, a tree falls on the line unexpectedly, or there's a
24 storm that knocks out power, and what role, then, do you as --
25 does the control center play?

1 A Okay. So tree comes down, takes out a line. The first
2 thing the control center does is try to sectionalize and pick
3 up as many customers as possible. And that's -- and then we
4 follow our OP-30. Notifications go out. We call over to the
5 SOC. They run a call list from the lineman, which is the same
6 idea as what we just talked about.

7 Once that lineman gets out there, they contact us, tell us
8 what they found. What -- the linemen will tell us what they
9 need for isolation. Do they want a clearance zone, a
10 permission zone. They're telling us what they're going to need
11 and if the linemen needs more crews, they call over to the SOC
12 and ask for additional people -- additional personnel to help.

13 Q So the record's clear, what's the SOC?

14 A The SOC is the distribution control center that is next
15 door to us. And like the 12KB single phase lines.

16 Q You used to work on that side before you move to the
17 transmission side; is that right?

18 A That's correct. Yes.

19 Q Okay.

20 A Did we lose Eric?

21 HEARING OFFICER DURYEA: Sorry about that.

22 BY MR. YOUNG:

23 Q One moment, please. Hopefully on your screen right now is
24 Company Exhibit 17, which is labeled Urie, U-R-I-E, SIMS, all
25 caps, S-I-M-S. Do you see that?

1 A That's correct. I do. I see that.

2 Q So there's been some testimony about these -- the role of
3 the shift supervisors in the -- preparing these SIMS reports.
4 Could you explain what your role is in that regard?

5 A So the shift supervisors are supposed to perform three
6 SIMS -- at least three SIMS a month, and so what that is, you
7 observe an operator. It could be a shift supervisor. It could
8 be an operator Level 1, 2, and you perform an observation. And
9 if there's something that they didn't do right, you coach them,
10 and you -- and then you write up the SIMS and how you coach
11 them. And then that goes to the management, or they review
12 these, and they must, maybe follow up with training or
13 something like that.

14 Q So when you use the word coach them, is there any
15 discipline involved?

16 A No. I can't discipline an operator.

17 Q So you're observing the operator or another shift
18 supervisor for that matter for training purposes of what's the
19 purpose of the observation?

20 A Yeah. I guess it could be for training because you're
21 trying to look for something that needs improvement.

22 Q Did you use any independent judgment in deciding the
23 sequence of the switching orders?

24 A No. Those are -- you've got to stay within the sequence.
25 You can't deviate from the procedures. You can't just change

1 it. It has to go through the process. That's dangerous to
2 deviate from a switching order that's already reviewed,
3 approved. That's dangerous.

4 Q Are there times when a shift supervisor is not at work
5 when an outage occurs?

6 A Yeah. That's possible. They could be, actually, in the
7 bathroom. They could be in the lunchroom, because outages
8 happen fast. They're usually done in a couple minutes.

9 Q What happens if that occurs, Aaron?

10 A You have -- so with my crew, if -- you have two operators.
11 Some crews have three operators. So if that shift supervisor
12 is not in the room at that moment, those qualified operators
13 have to take action and attend to that outage. They are NERC
14 certified, so they have the right to operate the system. They
15 take action.

16 Q And I think we saw some documents earlier, but do the
17 operators have authority to do what needs to be done without
18 the approval of the shift supervisor?

19 A No.

20 Q If the shift supervisor isn't available.

21 A If -- yeah. So during an outage, if that shift supervisor
22 is not in that room at that moment during the outage, the
23 trained operators can take action and follow the procedures
24 that we have to perform that task.

25 Q Do you have any authority as a shift supervisor to cancel

1 a scheduled job?

2 A No. I can't cancel a scheduled big project job. That's
3 up to the day supervisors or even management. I can stop a job
4 if it's not safe. An operator can stop a job if it's not safe.
5 But we can't just cancel a planned project that's coming
6 through. That's not us.

7 Q Okay. So the -- you're distinguishing between cancelling
8 and stopping an unsafe job.

9 A Correct. Yeah. So stopping is something's not safe.
10 We've got to stop. Any operator can do that. Any shift
11 supervisor can do that. Cancelling a project that's already
12 approved, we cannot do that. We do not cancel approved
13 projects like that. The difference between stopped and
14 cancelled.

15 MR. YOUNG: I'd like to have about five minutes here,
16 Mr. Duryea. I may be done with my exam of Mr. Rossi.

17 HEARING OFFICER DURYEA: Sure. Sure. Why don't we
18 go off the record. It's 4:10 right now. Come back at 4:15.
19 Is that enough time?

20 MR. YOUNG: I think so, yes.

21 HEARING OFFICER DURYEA: All right. So off the
22 record. We'll be back at 4:15.

23 THE COURT REPORTER: Off the record at 4:10.

24 (Recessed at 4:10 p.m., to reconvene at 4:18 p.m.)

25 HEARING OFFICER DURYEA: Back on the record.

1 THE COURT REPORTER: On the record at 4:18 p.m.

2 BY MR. YOUNG:

3 Q So, Aaron, I'm showing you now what's been marked
4 previously as Petitioner Exhibit 9, and it says at the top,
5 "Brian Dickie cell/mobile" on the first screenshot. Can you
6 explain generally what this exhibit is?

7 A Yeah, sure. This is the shift supervisor's cell phone
8 that is at Energy Park right now, 780 North Commercial Street
9 in the control room.

10 Q And this is the cell phone that you use to communicate
11 back and forth as a shift supervisor with other days -- with
12 the day supervisors and involved as that, right?

13 A That is correct. We use those to contact day supervisors,
14 managers, directors, and even Brian, off hours and weekends,
15 nights.

16 Q So and you said that you use it to communicate at night,
17 can you -- let's just talk about the first screenshot. What
18 does that show, Brian -- or Aaron, excuse me.

19 A Okay. It looks like they're communicating with Brian
20 right now. So the -- if you look to the right of that cell
21 phone there, you see the blue marks? That's the -- that is the
22 phone -- whoever is on shift sending that message and to the
23 left, in the red, that's Brian acknowledging. So it looks like
24 they're communicating -- the first one was that another company
25 lost their EMS. So we have to notify management any time

1 another company that impacts us loses their SCADA or their
2 communication.

3 The next text is Mammoth clearance issued. So it looks
4 like they're talking about a job that was probably not planned
5 because it's in a text. And they're talking about bringing it
6 back. And that's like four more hours if it goes well. Then
7 they send an update. It looks like they perform maintenance,
8 which is a high pot. No issues. So that's good. Correct bus
9 dif, so it looks like there was some questions about the bus
10 differential relay settings.

11 And then I'm not sure where the Marc St. Cyr, it looks
12 like Brian was probably asking about who was out there. And
13 Marc St. Cyr is a supervisor out in the field. And then Brian
14 says, "Thanks." And he called for an update, and they reported
15 that they were able to get the work done.

16 Q That call for the update is a different message, right?

17 A Yeah. Yeah, that timestamp. Yeah.

18 Q Yeah. So look at the second page here. And just
19 generally, and this one is a little bit harder to read but the
20 first entry says something about a pager, Eversource.com. Do
21 you see that?

22 A Yeah. So it looks like they were using the pager system
23 that we use for like OP30. It notifies management, and also
24 sends a text to this phone for outages, or it could be
25 anything, right, that's --

1 HEARING OFFICER DURYEA: Can you explain what this
2 screen is that we're looking at? I don't understand what this
3 is.

4 THE WITNESS: That is a history of who's been on the
5 call. It looks like conversations. So I see Andy, Ron, and
6 Adrian. I see, it looks like a Ron Messier, Chris Mulrayne.

7 HEARING OFFICER DURYEA: So this is -- is this sort
8 of a list of sort of -- this is --

9 THE WITNESS: Like a call history.

10 HEARING OFFICER DURYEA: --call history of text
11 threads, is that what this is?

12 THE WITNESS: Yes. That's what it looks like, yeah.
13 Call history.

14 BY MR. YOUNG:

15 Q Okay.

16 A So you've got quite a few names on there.

17 Q What's the significance of the next page that has Andy
18 Grady's name on it?

19 A Okay. It looks like they were -- the shift supervisor was
20 talking to Andy Grady. You see the outgoing call, incoming.
21 So it looks like the shift supervisor may have called him with
22 an issue at 7:26 p.m., April 12th. And then it looks like
23 maybe Andy called them back, because it says incoming. And
24 most likely it was Andy because it's on the same page, at 7:28
25 p.m.

1 Q We don't know what the two gentlemen discussed; is that
2 fair to say?

3 A That's fair to say, yes.

4 Q But is the phone, I mean, used or supposed to be used to
5 say, hey, the Red Sox won today. How about that?

6 A No, it's not for that. That's definitely not what it's
7 for. It's for communicating abnormal conditions or getting
8 direction if we don't have a procedure to follow from a day
9 supervisor or management.

10 Q And let's look at the next page, which has Mr. Zanetti's
11 name.

12 A Yeah. So it looks like a call was placed to Adrian
13 Zanetti, which is a day supervisor, at 7:25 p.m. on April 12th.

14 Q And that's on the same day on the prior page that the call
15 was placed to Mr. Grady at 7:26?

16 A Yes.

17 Q So it looks like Mr. Zanetti was called before Mr. Grady?

18 A Yeah. Maybe he didn't pick up or I'm not sure.

19 Q Go to the next page. What does that next page represent?

20 A All right. So it looks like the call history from
21 yesterday. It says up top -- not meaning yesterday's date, but
22 just reading what it says. Mobile yesterday -- it looks like
23 they called Andy Grady, Marc Dionne, his cell phone. And then
24 Patrick Tuttle, which he's coordination. Maybe they had an
25 issue with a job that was planned. I'm not sure what that

1 one's about. And we have Adrian Zanetti, which he is a day
2 supervisor. Then back to Andy, day supervisor. Marc. So you
3 have a lot of calls with management on those forms. I'm not
4 sure about that last number what that is.

5 Q Massachusetts number.

6 A You did get random calls on here, too. Spam and stuff.

7 Q Let's look at the next page.

8 A All right. So it looks like a text between -- if you
9 scroll up -- yeah. So Adrian Zanetti, the day supervisor. It
10 looks like he must have asked something, and he said, thank
11 you. He said, you're welcome. And then it looks like they
12 found an issue with -- it looks like a sync condenser 3, oil
13 test, found no debris, and the filter trip caused by pump,
14 sought the pressure.

15 So they had an issue going on. They were letting Adrian
16 know what was going on with that issue. And that is at --
17 that's pretty late, so that was -- no, that was in the
18 afternoon. So 1:20 p.m. Then you have Saturday, 1:55 p.m. So
19 that's on the weekend.

20 It looks like Ken, the day supervisor was communicating
21 with him about another issue they had at another substation,
22 Broad Street. There's a lot there on that text, what's going
23 on.

24 Q Just for the record, April 1 is a Saturday.

25 A Okay.

1 Q Let's go to the next page --

2 A Here, Marc Dionne said, okay. Then the shift supey
3 replied. It looks like they had an animal contact because they
4 want to be known if it -- management wants to be notified if
5 it's a bird of prey, so that's what it was. It was an owl.
6 Ron said, thanks. Mark said, thanks. Writing up a planned
7 line section out on 345X5. No customers. Okay. One hour
8 repair. Okay. And then Ron here says, "Proceed as discussed."
9 So I'm not sure what Ron was saying to them. I don't know if
10 he called them or there was more to this message, but it looks
11 like he proceeded as discussed and said, will do. So I'm not
12 sure what that one was about.

13 Q And let's look at the next page. What is that?

14 A It looks like we've got another call history here. You've
15 got Marc's cell. And you go through, you've got Ron Messier,
16 Marc Dionne, Adrian, Ron, and then you've got Chris Mulrain
17 again, Curt Horning, Marc Dionne, Andy Grady.

18 Q Curt Horning is a --

19 A And it gives you all the days that they were called. So
20 you said April 1st was a Saturday?

21 Q Yeah.

22 A All right. So you've got Saturday, Sunday, it looks like
23 April 2nd. It looks like that's just the owner of the phone.

24 Q That showed that it's the shift supervisor phone?

25 A Yeah. Correct.

1 Q What's this last page here?

2 A That model numbers looks like -- yeah.

3 MR. YOUNG: Move the introduction of Petitioner
4 Exhibit 9.

5 MS. RUGGIERO: I object. There are a myriad of
6 issues with this. Take this page, for example. I have no idea
7 what the shift supervisor phone IP address is. I don't know
8 what to compare this to. I feel that there were definitely
9 messages that could've been deleted. This witness testified he
10 doesn't know what the response -- if you scroll back up, Mr.
11 Dickie, I think he said thank you, or there was a phone number
12 that was sent. Sent pursuant to what? Was there a message in
13 between? Did Mr. Dickie request something? Was something
14 deleted? I don't know the purpose of any of the calls on the
15 second page.

16 And going back to the first page where it says Brian
17 Dickie's cell, there's no phone number associated with that. I
18 don't know if that's even Brian Dickie, our witness, if that's
19 his cell phone.

20 If we look at the third page, Andy Grady. I don't know
21 who made these calls. They were made on April 12th. What year
22 was that? Was it this year? Because quite frankly, if you
23 look at all of the calls on the fifth page where it shows the
24 myriad of calls being made in and out "yesterday," arguably
25 these -- you're showing me pages that were from post-petition

1 filing.

2 So for all I know, this was a Union supporter making these
3 calls, sending these messages to bolster their case. This
4 witness doesn't know the purpose of these calls. He can't even
5 explain some of the calls. He can't explain the messages. So
6 I object to this exhibit.

7 HEARING OFFICER DURYEA: Well, let me ask a couple of
8 questions. First of all, who took these pictures?

9 THE WITNESS: These pictures were taken by probably
10 either an operator or shift supervisor in the control room of
11 the shift supey phone.

12 HEARING OFFICER DURYEA: Okay. These are -- okay.
13 All right. So you don't -- so this witness does not -- Jeff --
14 Mr. Young, this witness does not know who took these
15 photographs?

16 MR. YOUNG: Let me ask a follow-up question to that.

17 HEARING OFFICER DURYEA: Okay.

18 BY MR. YOUNG:

19 Q Did you compare whoever to the photographs to the phone to
20 see whether these are accurate depictions of calls and texts
21 that occurred on the shift supervisor's phone?

22 A Yes. I know this phone, and I know those numbers.

23 MS. RUGGIERO: Well, there is no number. That's part
24 of the problem.

25 HEARING OFFICER DURYEA: I'm sorry. What was that,

1 Ms. Ruggiero?

2 MS. RUGGIERO: Yeah. I'm looking back at page one,
3 where it says Brian Dickie's cell. There is no phone number
4 there.

5 HEARING OFFICER DURYEA: Right. So what is the
6 purpose of this exhibit, Mr. Young?

7 MR. YOUNG: To so that there --

8 HEARING OFFICER DURYEA: What is this going to tell
9 the reader of the record?

10 MR. YOUNG: To show that there's regular
11 communication, using the shift supervisor's cell phone, with
12 higher management. And the witness testified that the phone is
13 not used for just kind of personal, but it's work-related
14 discussions about various issues that arise in the course of
15 their work.

16 HEARING OFFICER DURYEA: Right. And so -- I mean,
17 you have the testimony from the witness about what this --
18 about the existence of the phone, about how the phone is used.
19 I'm not sure what this is adding. It is a problematic exhibit,
20 given the fact that we don't have someone here to authenticate,
21 "I took these photographs."

22 MR. YOUNG: The witness did say that he looked at
23 them and compared them -- looked at the phone itself, although
24 he didn't take them, to see that they were authentic photos
25 from the cell phone. So I think they -- they are authentic.

1 HEARING OFFICER DURYEA: All right. I mean, I
2 register a lot of the problems with this exhibit that Ms.
3 Ruggiero pointed out. And I'm not sure what this is going to
4 add to this witness's testimony. I'm not sure of the
5 reliability of this exhibit in the view of the reader of the
6 record. But I will admit the exhibit and with the
7 understanding that the reader of the record is going to
8 understand its limitations and will give it the weight that it
9 deserves.

10 So the objection is overruled.

11 MR. YOUNG: I don't have any other questions for Mr.
12 Rossi.

13 HEARING OFFICER DURYEA: And just to clarify, this is
14 -- this is Petitioner Exhibit --

15 MR. YOUNG: Nine.

16 HEARING OFFICER DURYEA: -- 9. And so over the
17 objection, I'm receiving the exhibit.

18 (Petitioner Exhibit No. 9 received.)

19 MR. RUGGIERO: Jeffrey, you're done with the witness?

20 MR. YOUNG: Yeah. I just said I don't -- yes. Yeah.

21 MS. RUGGIERO: Well, I'd like to start my cross --
22 well, we only have 25 minutes. But I'd like to start my cross
23 and then take a break to speak with my client.

24 But if I can ask some questions about Petitioner
25 Exhibit 9.

1 HEARING OFFICER DURYEA: Sure.

2 MS. RUGGIERO: Yeah. Can you unshare your screen,
3 please?

4 MR. YOUNG: Yeah. I'm sorry.

5 MS. RUGGIERO: It's okay.

6 MR. YOUNG: Did that do it?

7 MS. RUGGIERO: Yeah.

8 CROSS-EXAMINATION

9 BY MS. RUGGIERO:

10 Q And I apologize because I know it's small. Mr. Rossi,
11 looking at the first page -- and I'm going to say first page
12 because it's the first picture of Petitioner Exhibit 9. These
13 are text messages purportedly being sent to Mr. Dickie. Can
14 you see that?

15 A Yeah. Can you blow it up like Jeff did?

16 MR. YOUNG: Go to Zoom, Angela, and hit 200.

17 MS. RUGGIERO: I know. I don't see the Zoom. Here
18 it is. Here it is. Okay. Okay.

19 BY MS. RUGGIERO:

20 Q Did you send any of these text messages?

21 A I could go back and date and see if I was on shift at that
22 point.

23 Q And if you were, in fact, on shift, it still isn't 100
24 percent accurate that you would've been the one sending these
25 messages; isn't that correct?

1 A Correct.

2 Q So as you sit here today, you cannot tell me the context
3 in which these messages were sent; isn't that correct?

4 A What do you mean context?

5 Q As you sit here today, can you tell me whether or not Mr.
6 Dickie asked for updates on these issues?

7 A The first one, yes. That's mandatory that we notify them
8 on that one.

9 Q My question was whether or not Mr. Dickie asked for an
10 update.

11 A No, I can't verify that.

12 Q Okay. Can you verify whether or not Mr. Dickie asked for
13 an update on the second message?

14 A I cannot, no.

15 Q Can you verify whether Mr. Dickie asked for an update on
16 the third message?

17 A No. I cannot.

18 Q Can you tell me why Mr. St. Cyr's number was sent to Mr.
19 Dickie?

20 A Because Mr. Dickie was probably, which I can't prove, was
21 asking for a field supervisor.

22 Q As you sit here today, and you read this -- these
23 messages, did Mr. Dickie ask for that information on this text
24 chain?

25 A On this text chain, no. I don't see it there.

1 Q And regarding the last text here, can you tell me whether
2 or not, as you sit here today, Mr. Dickie asked for that
3 update?

4 A No, I can't say that he did ask for it.

5 Q Okay. And as you sit here today and we look at the second
6 picture -- I can't even read these. So I'm going to skip that
7 one, honestly, because I can't read it. The third says Andy
8 Grady. Then there's a phone number, and it says an outgoing
9 call at 7:26 p.m., and an incoming call at 7:28 p.m. Do you
10 see that?

11 A Yes.

12 Q Did you make that outgoing call to Mr. Grady?

13 A I would have to look at my schedule and see if I was on.

14 Q And as you sit here today, you cannot tell me whether or
15 not you made that call?

16 A At this moment, I can't, without looking at my schedule.

17 Q So as you sit here today, can you tell me the purpose of
18 that outgoing call?

19 A No. I don't know exactly.

20 Q And as you sit here today, can you tell me the purpose of
21 the incoming call from Mr. Grady?

22 A No, I can't.

23 Q The next picture shows Adrian Zanetti's name on the top of
24 the picture. As you sit here today, can you tell me whether or
25 not you made the outgoing call to Mr. Zanetti at 7:25 p.m. on

1 April 12th?

2 A I cannot without verifying that I was on shift.

3 Q And can you tell me as you sit here today what the purpose
4 of that call was?

5 A No, I can't.

6 Q The next picture has -- these are -- it's a call history
7 it looks like.

8 A Correct.

9 Q On whatever day yesterday was. Do you see that?

10 A Yes.

11 Q Do you know what day yesterday was?

12 A The exact day? No, I don't.

13 Q So you don't know when this picture was taken, correct?

14 A The picture or the calls?

15 Q Well, the picture.

16 A The picture of the phone?

17 Q Correct.

18 A I think I could figure that out pretty quick.

19 Q How would you figure that out?

20 A By going back and seeing when the picture was taken.

21 Q Did you take the picture?

22 A I did not take the picture.

23 Q So how would you know when the picture was taken?

24 A Because I believe it was sent to me.

25 Q Okay. Can you tell me what date that was then?

1 A I would have to look at my phone. Are you okay with it?

2 Q No, we'll stop at that line. So whatever day this -- and
3 as you sit here today, you cannot tell me whether yesterday was
4 a weekday or a weekend; is that correct?

5 A Looking at that, no, I cannot. I don't see any dates on
6 there.

7 Q And as you sit here today, you cannot tell me what time of
8 day these phone calls were made; is that correct?

9 A That is correct, yes.

10 Q And as you sit here today, you cannot --

11 A Wait. Nevermind. Yeah. Sorry. Go ahead.

12 Q Okay. As you sit here today, can you tell me who made the
13 phone calls?

14 A No, I cannot.

15 Q All right. Moving down to the picture that has Adrian
16 Zanetti's name on the top of it. I'm going to skip the first
17 two messages, thank you, you're welcome, because we don't have
18 the context; is that correct? We don't know what he's thanking
19 the person for?

20 A Correct. I don't know.

21 Q Okay. So let's look at the next message. What is the
22 purpose of this message that begins with, "The SC3 oil test"?

23 A So that is synchronized condenser 3 oil test found no
24 debris in oil or filter. Trip was caused by pump swap
25 pressure. Recommended to place back in service and disable

1 pump swap -- will be disabled until next maintenance in a
2 couple of months. They'll put in the same package they did at
3 SACO. We'll let you know when back in service.

4 So that sync condenser has been out of service for a
5 little bit. It was on the turnover sheet, and that's printed
6 out daily. So they found no debris. So it looks like they're
7 putting in service, and it says they disabled the pump swap.
8 So there's an automatic pump swap on there. So he's -- that
9 text is giving Adrian details on what they found on the oil
10 test for that sync condenser 3.

11 Q Based on this text message, can you tell me whether or not
12 Adrian requested this information?

13 A No, not from this. No.

14 Q So this is more of a notification?

15 A Not necessarily.

16 Q How would you classify this test?

17 A A lot of times, the day supervisors want to know details
18 because this is probably off day, right? So it was a weekend.
19 They want to know what the issue was so they can pass it up to
20 management.

21 Q So it's not a notification?

22 A It's a -- yeah, a notification of what happened.

23 Q Okay. Thank you. So let's go to the next message.

24 Saturday, 1:55 p.m. What's the purpose of this text message?

25 A "Adrian, it's Ken. Do you have a moment to talk about C13

1 cap job Broad Street? I see you signed it. Shift to cut
2 discussion this morning was about loss of relay potential line
3 has load where the 03891 is fed from Bridge Street for load.
4 When we open the J4," that's a load break switch, that's what
5 the LBSW is, "we lose potential. We believe this should
6 reconfigure the line. Stellos Stadium," which is a pole top
7 device, it's a switch, "it opened the 3223 breaker," BKR stands
8 for breaker, "at Broad to avoid any relay mishaps. Call when
9 you get the chance. If you can't, I understand. I will call
10 Ron."

11 Q Okay. So what's the purpose of that text?

12 A So it looks like there was a job that was written and Ken
13 is a shift supervisor, and he is asking Adrian for advice.

14 Q Go ahead. So it says, "I see you signed it." What does
15 that mean?

16 A That means he signed off the job, saying it was okay to
17 go. And it looks like the shift supervisor had a question
18 about a relay.

19 Q So was -- are they -- is there going to be a potential
20 change to the job at this point?

21 A Possibly, yes.

22 Q Okay. So in that regard, is that a reason why he would be
23 reaching out?

24 A Yes.

25 Q Okay.

1 A Unplanned. He needed advice that's out of the switching
2 precautions from management.

3 Q Because the person he is texting signed off on the
4 original order; is that correct?

5 A That's correct.

6 Q So let's go to the next page. This is a group text
7 between Ron and Marc. Do you see that?

8 A Yes. You've got Ron, Marc. Yeah.

9 Q Okay. And I think we see the date here. I think it's
10 3/30/23. And just so we're -- do you know when the petition
11 was filed in this case?

12 HEARING OFFICER DURYEA: I think that's a matter of
13 record. This witness doesn't need to identify that.

14 BY MS. RUGGIERO:

15 Q So the 3/30, 9:13 p.m. text, what is the purpose of this
16 text?

17 A So there is a procedure if you have an animal of prey that
18 is killed, you would have to notify per the procedure,
19 management has to be notified. It looks like they're talking
20 about it here.

21 Q And then there's two responses. Ron and Marc both saying
22 thanks.

23 A Yeah.

24 Q Okay. So now let's go to the next one. Can you make out
25 the date on that?

1 A It's -- I see 4. It's either like -- I can't make out the
2 middle, but 4 something 23, at 5:23 p.m.

3 Q Okay. And what does this say?

4 A Okay. "Writing up a planned line section outage on the
5 345X5. No customers out after reconfigure. One hour for
6 repairs under clearance. We are writing it as normal TOA, not
7 outage package. Do you want me to send a page on this or not?"

8 So what happened here is they're writing up a planned
9 outage. It's -- so they -- they're using an ITOA, but they did
10 mention they're not going to use an outage package. So
11 anything that's emergency that's out of norm, we always use an
12 outage package.

13 So it looks like here they're discussing that they're
14 going to use ITOA or TOA, not outage package. And he's asking
15 a question to Ron, "Do you want me to send a page on this or
16 not?" And Ron said, "Proceed as discussed." And he said,
17 "Will do."

18 Q And for --

19 A The pages of notification that we have to make sure our
20 OP, so he's asking the question, since there's no customers,
21 he's not sure what direction to go into. And he's asking Ron
22 about that.

23 Q Do you know if you sent out that text by any chance?

24 A I would have to go back in my schedule. We could pull up
25 the schedule if you want.

1 Q And as you sit here today, you don't know who sent that
2 out?

3 A No, I do not know. I know it was sent out by a shift
4 supervisor.

5 Q Going to the last page, as we sit here today, do you know
6 why any of these calls were made?

7 A No, I don't know the reason why they were made.

8 Q And as we sit here today, do you know who made any of
9 these calls?

10 A If it's on the shift supervisor phone, it's the shift
11 supervisor.

12 Q As we sit here today, do you know which shift supervisor
13 made these calls?

14 A I do not, without looking at the schedule.

15 Q Do you know whether or not this phone was password
16 protected?

17 A It is not.

18 Q So as you sit here today and you say that these calls had
19 to have been made by a shift supervisor, that's actually not
20 accurate, is it?

21 A Well, if somebody broke in and grabbed it while the shift
22 supervisor didn't have it, yes.

23 Q When you say they broke in, is this phone kept in an
24 office that is locked?

25 A It's kept with the shift supervisor. It goes -- once the

1 new shift -- when you swap shifts, night days, the phone is
2 passed off -- handed off from person -- from shift supervisor
3 to shift supervisor.

4 Q Where is the phone physically during the work day? During
5 the day?

6 A It is where the shift supervisor -- with him.

7 Q On his desk?

8 A It could be on his desk. It could be in his pocket.
9 Could be in his hand.

10 Q Now, you stated that there are times when a shift
11 supervisor needs to step away, whether it's to the bathroom or
12 to heat up a meal. In that instance, this phone could be left
13 on a desk. Isn't that correct?

14 A I can't speak for anybody else, but I take it with me,
15 because you never know when management's going to call you.

16 Q But you can't speak to the other shift supervisors,
17 correct?

18 A On the phone? No.

19 Q No, I mean, you can't speak as to what they all do.

20 A For what?

21 Q Whether or not they keep it on their person at all time.

22 A Correct, because I'm not there.

23 Q Okay. All right. I want to go back in your testimony,
24 where you talked about the Laconia incident. Now, are you
25 personally familiar with what happened?

1 A Yes.

2 Q Okay. And you're aware that that was because Mr. Diamond
3 opened the wrong breaker, correct?

4 A Opened the wrong switch.

5 Q The wrong switch. And that is something that -- are you
6 aware that the switching was written properly?

7 A The switching was written properly.

8 Q And when he opened the wrong switch, that happened -- that
9 was an immediate action. In other words, the switching was
10 written properly and he just opened the wrong switch. It
11 wasn't something that was -- there wasn't time in between when
12 the switching was written and when the incident occurred
13 Withdrawn, let me rephrase that. The incident that happened in
14 Laconia was the result of Mr. Diamond opening the wrong switch,
15 correct?

16 A Correct.

17 Q Okay. Now, are you aware of his prior performance issues?

18 A I don't think he's ever been written up before, but I
19 don't know.

20 Q You don't know, correct?

21 A Correct.

22 Q Okay. So if I had -- if I told you right now he had prior
23 issues, would that be a surprise to you?

24 MR. YOUNG: Prior issues with what?

25 HEARING OFFICER DURYEA: Yeah.

1 MS. RUGGIERO: Prior performance issues.

2 MR. YOUNG: The same kind of performance issues?

3 Objection.

4 BY MS. RUGGIERO:

5 Q Prior performance issues.

6 A What are the performance issues?

7 Q In other words, he had done something and had to have been

8 -- that had to have been addressed on more than one occasion

9 prior to the Laconia incident?

10 A Do you have time/date of all of this?

11 Q Are you aware of any of them?

12 A I'm aware of -- yes, actually I am.

13 Q Okay. And you're aware that following the Laconia

14 incident, he was not suspended, correct?

15 A Correct. He wasn't suspended. He was taken off shift.

16 Q But he wasn't suspended, and he lost his shift

17 differential and taken off shift.

18 A But he continued to work, correct?

19 Q Yes. He didn't do any switching, though.

20 A Correct.

21 Q And he had to create a presentation to teach the other

22 operators.

23 A Now, turning your attention to, I'll call it the Horning

24 incident, in that incident, are you aware that the switching

25 orders were not printed out completely?

1 MR. YOUNG: Objection. This is beyond the scope of
2 direct examination. I don't believe that I asked Mr. Rossi any
3 questions about Horning.

4 MS. RUGGIERO: Well, I'd like to draw some
5 distinctions, because there was testimony about the fact that
6 discipline -- there was no discipline to the rotating shift
7 supervisor following the Laconia incident, but there was
8 discipline following the incident involving Mr. Horning.

9 HEARING OFFICER DURYEA: Well, I mean, does this
10 witness know anything about this? I'm not sure the purpose of
11 -- I'm not going to strictly hold us to -- within the scope of
12 direct, as long as it seems like this witness can say something
13 meaningful.

14 MS. RUGGIERO: You know what, it's fine. I can bring
15 it in through a rebuttal witness.

16 HEARING OFFICER DURYEA: Okay.

17 BY MS. RUGGIERO:

18 Q You testified that if a rotating shift supervisor called
19 out sick, a Level 2 operator could fill in for him. Do you
20 recall that testimony?

21 A Yes, I do.

22 Q Okay. And you stated that Mr. Duckless has filled in for
23 a rotating shift supervisor; is that correct?

24 A Who was that? I didn't hear you.

25 Q Mr. Duckless has filled in for a rotating shift

1 supervisor?

2 A Yes.

3 Q Do you recall when that was?

4 A I believe it was when -- it might have been when Curt
5 Horning was out for his surgery.

6 Q So fair to say that that was for an extended period of
7 time?

8 A Yeah. I don't have the exact dates, but I just know he
9 comes in.

10 Q It wasn't for one day, correct?

11 A I don't believe it was. I think it was for a section
12 because we all took turns.

13 Q And you also stated that Mr. Von Koss filled in for a
14 rotating shift supervisor?

15 A Yes.

16 Q When was that?

17 A I think it was either this year or last year, and I
18 believe it was for Richard. I would have to get the exact
19 date.

20 Q Was it for one day?

21 A I believe it was. I'm not -- I can't say it was, though.

22 Q Do you think it was longer than one day?

23 A I have no answer on that one because I'd be guessing at
24 that point.

25 Q And you don't know whether it was this year or last year?

1 A I think it was last -- I would have to go back and see
2 what -- I'm sure Brendan can fill you in on that one.

3 Q Fair to say that more often than not, a rotating shift
4 supervisor will fill in when another rotating shift supervisor
5 is unavailable; is that correct?

6 A More often than not, yes.

7 Q All right. And in the three minutes that we have left,
8 you talked about the restoration coordinator training. Do you
9 remember that testimony?

10 A Yes.

11 Q Okay. And during the training, is it fair to say that
12 it's a two-day training?

13 A Usually with the ISO, yeah. It's two or three. I would
14 have to look at the training schedule.

15 Q All right. But there is one day where the ISO is actually
16 engaged in the training; isn't that correct?

17 A That's correct.

18 Q Okay. And on that day, the RSS --

19 A What's the RSS?

20 Q The shift supervisor.

21 A Thank you.

22 Q Actually takes on the role as the restoration coordinator
23 during the training; isn't that correct?

24 A A majority of the time, yes.

25 Q And the operator does not fill that role during training;

1 isn't that correct?

2 A No, that's not correct.

3 Q Doesn't the operator man the phones during the training?

4 A No.

5 Q So in your experience, what does the operator do during
6 day one of the training with the ISO?

7 A So you monitor and regulate the units on the grid during
8 the restoration, and they follow procedures with that
9 restoration.

10 Q And it's your testimony that the operator and the shift
11 supervisor perform the same function during that training?

12 A We can. Yes.

13 Q How many --

14 A I have in the past, when I was a Level 2, was the
15 coordinator. I did it two years in a row.

16 Q How many of these training sessions have you taken part
17 in?

18 A A lot. Ever since I was in the control room. Actually,
19 sorry, even in back in Generation, they have Generation guys
20 come in. So I'd be part of the restoration, the way you were
21 in generation.

22 Q How many of the trainings have you taken part in where it
23 was -- the training was specific to a restoration coordinator?

24 A Say that again?

25 Q You stated that you have been involved in these training

1 sessions since you were in Generation.

2 A Correct.

3 Q In that capacity, were you being trained as a restoration
4 coordinator?

5 A When I was in Generation, we were generator operators, so
6 we handled generator loading. So I was not the coordinator.

7 Q How many of the training sessions have you taken part in,
8 where you were being trained as a restoration coordinator?

9 A I'm going to say probably four.

10 Q And how many training sessions --

11 A I don't have the exact number. I would have to go back on
12 the training log and look.

13 Q How many trainings have you taken part in where operators
14 were being trained as restoration coordinators.

15 A They're all part of the training.

16 Q With the ISO?

17 A Yes. Everybody's in the same room at the same time. It's
18 all part of the training.

19 Q And are they being specifically trained as restoration
20 coordinators?

21 A They are being trained on all the same material.

22 Q Are they being trained as restoration coordinators?

23 A If the material --

24 MR. YOUNG: Objection. Asked and answered. Hold
25 on. Aaron, Aaron. Objection. Asked and answered. This is

1 the third time now.

2 HEARING OFFICER DURYEA: Yeah. I'm going to sustain
3 that objection.

4 MS. RUGGIERO: All right. That's all I have on that
5 piece of cross. And so since it's 5 o'clock, maybe this would
6 be a good time to --

7 HEARING OFFICER DURYEA: Okay. All right. So I'm
8 going to suggest once again on Friday that we begin at 9:00
9 a.m., if that's all right with everybody?

10 THE WITNESS: I don't -- I have -- I'm on vacation,
11 so it's going to be a little tough for me.

12 HEARING OFFICER DURYEA: Well --

13 THE WITNESS: If I have to, earlier is better, but I
14 would be at home, and I have kids running around, so it might
15 get noisy.

16 HEARING OFFICER DURYEA: I see. So --

17 THE WITNESS: I can lock myself in a room, but
18 there's no guarantee --

19 HEARING OFFICER DURYEA: Is it different if we start
20 at 10 o'clock? Because 10 o'clock is the latest we would
21 start.

22 THE WITNESS: Earlier would be better.

23 HEARING OFFICER DURYEA: Earlier is better.

24 MR. YOUNG: Like 8 o'clock?

25 THE WITNESS: Yeah. But I can't -- there could be

1 kids coming, and so I just want to give you guys a head's up.

2 HEARING OFFICER DURYEA: All right. Well, Mr. Young
3 will discuss with you how to arrange it so that your testimony
4 is free from disruption. That's just a requirement of an
5 orderly hearing. So I'll let you discuss that with him.

6 I am loathe to start at 8:00 a.m., but if it's really
7 what we need to do to get this witness's testimony, and the
8 employer agrees to it, then maybe we can do it.

9 MS. RUGGIERO: I'm okay with starting at 8:00.

10 HEARING OFFICER DURYEA: Okay. All right.

11 THE WITNESS: I have a question. How long are you
12 going to be with me testifying?

13 MS. RUGGIERO: I don't anticipate this being a Mr.
14 Dickie type of cross.

15 THE WITNESS: Because I won't be able to go all day.
16 I'm just telling you that. It's not going to happen. I'm
17 going to have to get off, because technically I'm on vacation,
18 and if you want to keep going now, I'm up for that, but --

19 MR. YOUNG: We're prepared to go forward right now.

20 THE WITNESS: Yes.

21 MS. RUGGIERO: I can't go forward right now.

22 HEARING OFFICER DURYEA: What, Angela?

23 MS. RUGGIERO: I can't go -- I have children problems
24 --

25 MR. YOUNG: You've got kid problems and he's got kid

1 problems. So I want to make it clear for the record --

2 MS. RUGGIERO: I can't --

3 HEARING OFFICER DURYEA: All right. Let's not all
4 talk over one another. What we're going to do is we're going
5 to begin at 8 o'clock on Friday with this witness. And Mr.
6 Young is going to talk to him about how he can make sure his
7 testimony is free from distractions.

8 MR. YOUNG: We'll do our best.

9 HEARING OFFICER DURYEA: Okay. So with that, let's
10 go off the record and reconvene at 8 o'clock on Friday.

11 THE COURT REPORTER: Off the record at 5:04 p.m.

12 (Whereupon, at 5:04 p0.m. the hearing was recessed to
13 reconvene at 8:00 on Thursday April 27, 2023)

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CERTIFICATION

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 1, in the matter of Eversource, Case No. 01-RC-314865 on Wednesday, April 26, 2023, was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the recording from the hearing, that the exhibits are complete and no exhibits received in evidence or in the rejected file are missing.



Jill E. Cifelli

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OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of: : Case No: 01-RC-314865
PUBLIC SERVICE OF NEW HAMPSHIRE, :
d/b/a EVERSOURCE ENERGY, :
Employer, :
And :
INTERNATIONAL BROTHERHOOD OF :
ELECTRICAL WORKERS, LOCAL 1837, :
Petitioner.

Place: Boston, Massachusetts (via Zoom)
Dates: April 28, 2023
Pages: 470 through 618
Volume: 4

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Wayne, NJ 07470
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-----: Case No.:
In the Matter of: 01-RC-314865
EVERSOURCE ENERGY, :
Employer, :
and :
INTERNATIONAL BROTHERHOOD OF :
ELECTRICAL WORKERS, LOCAL 1837 :
Charging Party. :
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P R O C E E D I N G S

(Time Noted: 8:06 a.m.)

HEARING OFFICER DURYEA: On the record.

All right, good morning everybody. Beginning Day 4 of the hearing.

The first thing we'll talk about is the Employer's petition to revoke -- partially revoke the second subpoena by Petitioner. So I -- I see that in Mr. Young's response to the petition to revoke, so we'll first talk about Paragraph No. -- hold on a second -- yeah, Paragraph 6, about the last iteration of Company Exhibit 2.

I think that I'm inclined -- I would like to direct the Company to -- I think it's correct that Petitioner is entitled to have a version of the organization chart that was in effect prior to the filing of the charge. So the charge was filed -- give me a second.

MR. YOUNG: When you say "charge," I think you mean --

HEARING OFFICER DURYEA: I'm sorry, yeah, I mean petition. Sorry about that.

Yeah, the petition was filed on March 27th, so I think that the Union is entitled to the organizational chart that was in effect on March 26th of 2023. So unless I get a representation from counsel that -- that that was identical to Company Exhibit 2 that's already in evidence, I'm going to

1 direct that the Employer provide that.

2 MS. RUGGIERO: And just to be clear, this is looking
3 for the organizational chart of the SOC, not the ESCC; is
4 that -- Jeff is shaking his head.

5 MR. YOUNG: No, I'm looking for our --

6 HEARING OFFICER DURYEA: I think Jeff, just the
7 version of the -- of what Company exhibit is -- Company Exhibit
8 2 is, which I think in encompasses the SOC --

9 MS. RUGGIERO: (Over talked).

10 HEARING OFFICER DURYEA: And encompasses both.

11 MS. RUGGIERO: Specifically, he's asking the last
12 iteration of CX-2 prior to April 16th without changes in SOC?

13 MR. YOUNG: That was just a way of referencing that
14 there were changes in the document. I would like the --
15 without regard, this is shorthand, without regard to the SOC, I
16 would like to see the Company organizational chart, as Mr.
17 Duryea just said, that was in effect on March -- prior to the
18 filing of the petition.

19 MS. RUGGIERO: Okay. So you want all 91 pages; that
20 correct?

21 MR. YOUNG: Yeah.

22 MS. RUGGIERO: And so I have a question about timing
23 on this.

24 HEARING OFFICER DURYEA: Yes.

25 MS. RUGGIERO: What is the expectation as to when we

1 are to produce this?

2 HEARING OFFICER DURYEA: Well, I would like to have
3 it produced today.

4 MS. RUGGIERO: I will see what we can do. So when
5 we're done discussing the petition, can we take a break so we
6 can -- Divy and I can call our paralegal?

7 HEARING OFFICER DURYEA: Yeah.

8 MS. RUGGIERO: Okay.

9 HEARING OFFICER DURYEA: Yeah.

10 Okay, so petition to revoke the next paragraph of the
11 subpoena that was addressed is Paragraph 7 about communications
12 regarding the change in the organizational chart.

13 The Petitioner's response to the petition to revoke
14 indicated that it was willing to limit that request to -- first
15 of all, that the request was -- arose out of Mr. Dickie's
16 testimony, the changes to Company Exhibit 2 were contemplated
17 before the petition was filed. I think that for -- given the
18 limitation that Petitioner put on that in its response, that it
19 would just encompass changes in the reporting structure on the
20 organizational charge pretending -- pertaining to Operators I
21 and II, Shift Supervisor and Day Supervisors in the ESCC, I'm
22 going to direct the Employer to provide those, as well.

23 MS. RUGGIERO: And again, you want that today?

24 HEARING OFFICER DURYEA: Yes.

25 MS. RUGGIERO: Okay. And this is limited to

1 communications from Mr. Dickie?

2 HEARING OFFICER DURYEA: Let me see how the -- I
3 don't believe it's limited to communications from Mr. Dickie.
4 It's including, but limited to -- including, but not limited
5 to, to and from Mr. Dickie.

6 MS. RUGGIERO: I'm just trying to wrap my head
7 around --

8 MS. VASUDEVAN: Yeah, I think there are some
9 practical concerns with that question without knowing which
10 individuals are parties to said communications, to the extent
11 that they exist at all, right. I'm not even -- and given the
12 discovery tools we have, I wouldn't even know where to begin.

13 MR. YOUNG: I'll tell you what, maybe I can limit --
14 further limit it because I think any changes would have been
15 from Mr. Foley, Mr. Dickie, Mr. Cloutier, Mr. Dickie and the
16 three day supervisors.

17 MS. RUGGIERO: I'll see what we can find. I will
18 talk to our paralegal to see if she can run some kind of an
19 email search, Foley, Dick, Cloutier, Dionne, three day shift
20 supervisors. And we're looking at a full year's worth of email
21 searches, and my concern is going to be if we try to do a, you
22 know, a grab it'll be -- the words will be, you know,
23 "supervisor," "operator," whatever the buzz words are going to
24 be, it's going to be a massive pull, and then we're going to
25 have to go through each of these emails before the end of --

1 and we will -- we will do what we can. I have, you know, I'm
2 not adverse to starting the search. We will start the search,
3 we will see what we can find, I'm just nervous that it's 8:15
4 and we have -- again, we're going to limit it, but otherwise
5 there's 10,000 employees and we're going to run a search.

6 So we'll see what we can find. We will start the
7 search --

8 Go ahead, Jeff.

9 MR. YOUNG: Perhaps you can talk to Mr. Dickie since
10 he testified about this, and he ought to have some idea of when
11 these discussions allegedly occurred, and that might help
12 substantially narrow the search.

13 MS. RUGGIERO: All right, we'll see what we can find.
14 What we can pull together.

15 HEARING OFFICER DURYEA: All right. And so moving on
16 to the last portion of the petition to revoke, this deals with
17 Paragraph -- hold on a second --

18 MR. YOUNG: Eight.

19 HEARING OFFICER DURYEA: Paragraph 8 of the second
20 subpoena. So I'm inclined to grant this portion of the
21 petition to revoke. I think the -- I think even -- I think
22 it's very broad. I think it's overly broad. And even if it
23 were significantly narrowed, it's still vague in terms of what
24 it's looking for, and I think it's likely not reasonable to
25 expect the Employer to be able to locate these records and

1 respond to this request today.

2 The -- as I indicated off the record, and I should
3 put on the record now, the Region has directed that if we do
4 not finish this hearing today we will be continuing on Monday.
5 Mister -- and I related this to Mr. Young, Mr. Young has an
6 upcoming vacation, but the Region is firm on that we will
7 resume on Monday. So given the strong imperative to finish
8 today, I think that -- I think that it's unreasonable to expect
9 the Employer to respond to Paragraph 8 of the subpoena today.
10 And so that's an additional reason for me being inclined to
11 grant the petition to revoke Paragraph 8.

12 Mr. Young, would you like to respond to that?

13 MR. YOUNG: No. Only that if we continue into next
14 week, I would like to revisit the issue. But for now, since
15 we're trying to finish today, no.

16 HEARING OFFICER DURYEA: Okay. All right, well just
17 to -- well, forget that.

18 Why don't we just go ahead and start with testimony.
19 We were on Mr. Rossi, so I'm actually going to go ahead and
20 admit everybody's who's in the Waiting Room.

21 MS. RUGGIERO: And Eric, can we --

22 HEARING OFFICER DURYEA: Please.

23 MS. RUGGIERO: -- can we start the ball rolling, at
24 least, on the discovery request? Can I -- can we break and
25 I'll call my paralegal to see if she can start running some of

1 these searches?

2 HEARING OFFICER DURYEA: Yeah. Yeah, that would be
3 good. So why don't we go off the record for -- do you want 10
4 minutes to do that?

5 MS. RUGGIERO: Yeah. I think that will be fine.

6 HEARING OFFICER DURYEA: Okay.

7 MR. YOUNG: Go ahead, sorry.

8 HEARING OFFICER DURYEA: So it's 8:19 right now, why
9 don't we come back at 8:30.

10 (Whereupon, a brief recess was taken.)

11 HEARING OFFICER DURYEA: Back on the record.

12 All right, so off the record we discussed certain
13 exhibits from Petitioner and from the Employer that the parties
14 agree can be received, so we'll talk about that now and I'll
15 receive those exhibits.

16 So Petitioner 27 is received -- I'm sorry, correct
17 myself, that's Petitioner 26 is received, not 27. Company
18 Exhibit 18 is received. Company Exhibit 19 is received.
19 Company Exhibit 20 is received. And Company Exhibit 21 is
20 received.

21 (Petitioner's P-26 marked and received.)

22 (Employer's E-18 through E-21 marked and received.)

23 HEARING OFFICER DURYEA: All right. And with that,
24 shall we proceed with Mr. Rossi?

25 And Ms. Ruggiero, are you prepared to continue your

1 cross-examination?

2 MS. RUGGIERO: Yes.

3 HEARING OFFICER DURYEA: All right.

4 MS. RUGGIERO: Good morning, Mr. Rossi.

5 HEARING OFFICER DURYEA: Just before we get started,
6 just I'll remind you, Mr. Rossi, that you're under oath.

7 THE WITNESS: That is correct.

8 (Whereupon,

9 AARON ROSSI,

10 having previously been called as a witness and, after having
11 been previously sworn, was examined and testified as follows:)

12 CONTINUED CROSS-EXAMINATION

13 BY MS. RUGGIERO:

14 Q. Mr. Rossi, recalling your testimony from Wednesday,
15 you testified that the SOC runs overtime lists when field
16 employees need to be called into work. Do you recall that
17 testimony?

18 A. Yes.

19 Q. Okay. It's true, is it not, that the rotating shift
20 supervisor make the decision to have the SOC run the list?

21 A. That is not true.

22 Q. In your opinion, who makes the decision to have the
23 SOC run the list?

24 A. That will be the field that makes the decision if
25 they need more employees out in the field.

1 Q. So is it your testimony that the rotating shift
2 supervisor would never make a decision to have the SOC run an
3 overtime list?

4 A. Would never make a -- say that again.

5 Q. Is it your testimony that a rotating shift supervisor
6 would never make a decision to have the SOC run the overtime
7 list?

8 A. If the field asked me to call the SOC if they needed
9 more crews on their judgment call in the field, I could ask the
10 SOC if they could run for that crew if they were busy.

11 Q. So is it your testimony that the RSS would never have
12 the independent judgment to ask the SOC to run the list?

13 A. The RSS? Shift supervisor you're talking about?

14 Q. Yes.

15 A. Can you say that question again?

16 Q. Is it your testimony that the RSS, the shift
17 supervisor, does not have the independent judgment to have the
18 SOC run the overtime list?

19 A. That decision is made by the field if they need more
20 crews. I can relay that message from the Line Department to
21 the SOC saying that they need more crews to perform their work
22 out in the field.

23 Q. What about -- aside from the fact that the need more
24 crews, what about before any crews are there, who makes the
25 decision to get the first crew out if it's an emergency

1 situation?

2 A. That is if we have an issue, an alarm out on a line,
3 we will call SOC and ask for a crew to inspect that issue, per
4 the procedures that we follow.

5 Q. So when you say "we call the SOC," is that the
6 rotating shift supervisor?

7 A. That could be any qualified operator in the ESCC.

8 Q. Including rotating shift supervisors?

9 A. Correct.

10 Q. And in that regard if it's a rotating shift
11 supervisor, he would call the SOC and have a crew go out to the
12 site; is that correct?

13 A. That is correct, yes.

14 Q. Okay. Turning your attention now to the shift
15 turnovers, you testified regarding the 6:00 a.m. and 6:00 p.m.
16 turnovers. Do you recall that testimony?

17 A. Yes.

18 Q. Okay. And you stated that the oncoming crew
19 discusses any abnormal conditions with the outgoing crew; is
20 that correct?

21 A. Correct.

22 Q. And they discuss what happened on the previous shift;
23 is that correct?

24 A. Correct.

25 Q. And the oncoming crew asks questions; is that

1 correct?

2 A. That is correct.

3 Q. And as a shift supervisor, you would have specific
4 responsibilities in connection with that turnover; isn't that
5 correct?

6 MR. YOUNG: Could you repeat that, Angela? I'm
7 sorry. I didn't hear the question.

8 BY MS. RUGGIERO:

9 Q. As a shift supervisor, you would have specific
10 responsibilities in connection with that turnover; isn't that
11 correct?

12 A. All the operators in that room have the duty to
13 review that turnover and sign it.

14 Q. So is it your testimony then that the rotating shift
15 supervisor doesn't have any specific duties on the turnover
16 specific to him versus the other operators?

17 A. For -- under -- if you look at that turnover, there's
18 a signature that I have to initial, same with the other
19 operators, so each operator has a duty to review and check off.

20 Q. Does the rotating shift supervisor have the ultimate
21 responsibility for the accuracy of that turnover sheet?

22 A. No. Any operator can add or change on that turnover
23 sheet. They have access to make changes to that.

24 MS. RUGGIERO: If I can have just a minute, please?

25 HEARING OFFICER DURYEA: All right.

1 (Pause.)

2 BY MS. RUGGIERO:

3 Q. Are you familiar with OP-40?

4 A. I would like to see it if you have it, that way I can
5 refresh my memory on it.

6 Q. All right. Showing you what's been marked -- or what
7 is in exhibit -- it's in evidence as CX-11.

8 A. Can you put that on the screen?

9 Q. Can you see it?

10 A. Yes.

11 Q. Okay.

12 COURT REPORTER: Angela, I'm sorry. I just need to
13 make -- okay, Eric -- okay, you're back. Sorry, go ahead. I'm
14 sorry, go ahead.

15 MS. RUGGIERO: Okay.

16 BY MS. RUGGIERO:

17 Q. Drawing your attention to Page 11 of OP-40, is it
18 your testimony that the duties listed here under Section 4,
19 Operations Shift Supervisor, are those duties specific to the
20 shift supervisor?

21 A. Review -- which ones are you looking at?

22 Q. Under where it says, "Section 4."

23 A. Um-hum.

24 Q. "Position: Shift," and it says, "Operations Shift
25 Supervisor." And then there are various duties that are

1 listed.

2 A. Correct. I see those duties.

3 Q. Okay. And then the next page it has "Nights" and
4 "Weekends." So is it your testimony that anybody can perform
5 these duties?

6 A. "Review iTOA event logs entries from previous shift."
7 Yes, any operator can do that. They have access to iTOA.

8 "Review inhibited alarm list from previous shift."
9 Yes, any operator can do that that's qualified.

10 Do you want me go through all of them?

11 Q. Who has the responsibility to ensure everything is
12 complete on this turnover sheet?

13 A. That would be everybody that signs it is
14 acknowledging that they reviewed it and that is complete.

15 Q. Okay. All right, moving on to testimony, your
16 attorney asked you if you use any independent judgment on the
17 sequencing of switching orders. You stated you do not. Do you
18 recall that testimony?

19 A. That's correct.

20 Q. Okay. So is it your testimony that as an RSS you
21 have no discretion --

22 A. I'm not an RSS. That's not an --

23 Q. As a shift supervisor --

24 A. That's not a word that's used.

25 Q. As a shift supervisor you have no discretion to use

1 your judgment to change the order of a switching sequence; is
2 that your testimony?

3 A. Can you say that question again?

4 Q. Is it your testimony that as a shift supervisor you
5 have no discretion to use your independent judgment to change
6 the order of a switching sequence?

7 A. If you change the sequence of a switching order,
8 there's procedures that you have to follow to make sure that is
9 correct.

10 Q. Okay. So --

11 A. If you use independent judgment, that's when
12 accidents happen if you just change that without having
13 somebody check it off. You have to follow the procedures for
14 line operations and station operations.

15 Q. So when you make the decision to change the sequence,
16 what are you basing that decision on?

17 A. There could be many different variables that would
18 cause the switching to be changed.

19 Q. But regarding your testimony on Wednesday that said
20 you cannot use judgment to change the switching orders -- the
21 sequence of the switching orders, is that still your testimony
22 today, that the switching sequence --

23 A. Correct.

24 Q. -- cannot change? In other words, the switching is
25 written, right? The orders are written --

1 A. Correct.

2 Q. -- in a sequence.

3 A. And they are all approved.

4 Q. Correct. But using your judgment, you've done this
5 job for years, you have expertise, you're a qualified operator,
6 if you look at those switching orders and you look at the
7 sequence, you can make the decision to change the order of the
8 sequence; isn't that correct?

9 A. Any operator can ask to change the sequence, but it
10 has to be signed off by multiple operators.

11 Q. Thank you. So the sequencing orders -- the sequence
12 of the switching orders can be changed; correct?

13 A. If there is an issue of incorrect labeling of a -- of
14 the switching it can be changed but it has to be signed off by
15 qualified operators.

16 Q. Thank you. Now, you testified regarding the
17 assignment of work. Do you recall that testimony?

18 A. The assign -- the assigning of work?

19 Q. Yes.

20 A. You would have to refresh my memory on that one.

21 Q. Specifically, you stated that you discuss jobs as a
22 team.

23 A. That's correct. We discuss --

24 Q. And --

25 A. -- the jobs as a team.

1 Q. Okay. And that you divvy up the work among your
2 team; is that correct?

3 A. We talk about the jobs and if some -- if an operator
4 is not qualified, had not reviewed the job or doesn't feel
5 comfortable doing the job he will not take that job.

6 Q. Okay. So what else do you base that decision on when
7 you're handing out the work?

8 A. I just went over that. If the --

9 Q. So qualifications.

10 A. Correct. If it -- if I don't feel comfortable as a
11 shift supervisor, if I didn't review a job and another operator
12 reviewed the job and they feel comfortable, they can take that
13 job.

14 Q. Do you take into consideration the strengths of the
15 operator?

16 A. If they are a new operator where they're not NERC
17 certified, you need to know -- everybody in that room needs to
18 know that he is not qualified to perform certain tasks.

19 Q. You stated --

20 A. He needs that certification -- the NERC
21 certification.

22 Q. Do you take into consideration any weaknesses of the
23 operator?

24 A. That would be a weakness; would be -- a non-NERC
25 certificate operator would be a weakness and we have to follow

1 procedures for that, especially OP-19; if he's not a NERC-
2 certificated transmission operator he cannot perform certain
3 steps in that room. That is a weakness.

4 Q. So as a shift supervisor, you would not give him a
5 specific job, correct, if he wasn't NERC certificate?

6 A. Correct.

7 Q. Okay. You stated during your testimony "I hand him
8 the job." What is your expectation when you hand someone a
9 job?

10 A. So we discuss -- as a team you review the job, you
11 feel comfortable with a job, and you understand the job.

12 Q. Do you give them any direction with respect to the
13 job?

14 A. No. They are -- if they are a qualified operator
15 they have the same training as a shift supervisor for switching
16 and tagging, ESOP-100.

17 Q. When you are the shift supervisor and it is, for
18 example, the overnight shift, is it your position that you are
19 responsible for everything that happens in the ESCC?

20 A. For everything that happens in --

21 MR. YOUNG: Hold on there, I have objection. I think
22 that's vague.

23 BY MS. RUGGIERO:

24 Q. Is it your responsibility -- that you are accountable
25 for the actions of the operators that are working with you?

1 A. If a qualified operator makes a switching error, and
2 I didn't have any change that I made on that switching, that is
3 an operator error, or that may not reflect on the shift
4 supervisor. That depends on management when they discipline
5 operators and shift supervisors. That's a judgment call on
6 them.

7 Q. Do you oversee the operators on your shift?

8 A. I work with them as a team.

9 Q. So you do not oversee them; is that your position?

10 A. They are trained operators. We work together as a
11 team.

12 Q. Okay. So I would like to draw your attention to
13 Company Exhibit 19, and I'll give you a minute to review the
14 document. Actually, do you want me to send you --

15 A. I'm pretty familiar --

16 Q. -- the document?

17 A. -- with this document.

18 Q. Okay, so you are familiar with it. Okay, what is
19 this document?

20 A. This is a 2021 Annual Performance Review.

21 Q. And this is your review; is that correct?

22 A. Yes, it is.

23 Q. Aaron Rossi. And when you are in the annual review
24 process, you are given the opportunity to submit your own
25 comments; is that correct?

1 A. That's correct.

2 Q. And those comments became part of your review; is
3 that correct?

4 A. That is correct.

5 Q. Okay. I would like to draw your attention to Page 3.
6 And where it says, "Employee Evaluation Comment," those are
7 your comments that you submitted; correct?

8 A. I believe so. I -- it looks like that.

9 Q. Is there anybody else that would be submitting
10 employee comments on your review?

11 A. Say that again?

12 Q. Is there anybody else that would be submitting
13 employee comments on your review?

14 A. I don't believe so.

15 Q. Okay.

16 A. I know the manager, looks like evals. He does some
17 evaluations, also.

18 Q. Okay. So in the section regarding -- it's entitled
19 "Reliability," so is it fair --

20 A. Yes.

21 Q. -- to say that that's the goal? And then direction
22 under it is your response as to how you met that goal?

23 (Witness examined the document.)

24 THE WITNESS: Yeah. Looks like that.

25 MS. RUGGIERO: Okay.

1 BY MS. RUGGIERO:

2 Q. So regarding the reliability goal, it talks about
3 supporting corporate goals for SAIDI, MBI, CAIDI and restoring
4 SCADA controlled customers. And in response to that, under the
5 "Employee Evaluation," you stated, "Also being proactive by
6 ensuring adequate crews and equipment are assigned to outages."

7 How do you ensure adequate crews and equipment are
8 assigned to outages?

9 A. If the -- let's see --

10 (Witness examined the document.)

11 THE WITNESS: So that could be with OMS, we use OMS a
12 lot, and that's the Outage Management System. Company's really
13 on that in assigning crews to the outages in the OMS. Make
14 sure the correct crews are also there.

15 BY MS. RUGGIERO:

16 Q. Do you ever assign crews to outages?

17 A. I ask for crew -- if we have an outage, I call the
18 SOC for a crew to respond to that outage.

19 Q. And by a crew, who are you talking about? Who are
20 you --

21 A. That is a line crew, could be.

22 Q. Okay. All right, going on to the next section, that
23 is "Safety." And you responded that "I attend more than minim
24 System Operator Safety Meetings. I take ownership and
25 oversight of all work ESCC control area, and provide assistance

1 to the SOC."

2 So you state here that you take ownership and
3 oversight of all work under ESCC control. What do you mean by
4 that?

5 A. So minimum safety operating -- safety meeting --
6 operator safety meetings, so attending the safety meetings.
7 Take owner [sic] and oversight of all work under ESCC, so as we
8 do switching orders, we sign off on jobs saying that we
9 reviewed them, so you're taking ownership that you reviewed
10 that job and per the procedures it is correct. And work in the
11 ESCC, so that would be under the ESCC.

12 Q. Do you see --

13 A. Provide assistance to SOC, so I've worked over there
14 at the SOC when they've been really busy to help them, also,
15 so.

16 Q. Um-hum. So you stated earlier you do not take
17 ownership and oversight, that you're a team, so is that what --
18 I just -- I'm asking you to basically -- how do you -- how do
19 those two statements jive? Because you stated earlier you
20 don't oversee the operation --

21 A. So when you're writing switching or checking
22 switching, that signature is an individual signature. I can't
23 sign somebody else's signature. But when you're reviewing a
24 job, you -- jobs with the team, you review the jobs with a
25 team.

1 Q. So generally, teams have a captain, or they have a
2 coach. And as the shift supervisor, do you see that as your
3 position as someone who is in charge of your team?

4 A. I see the day supervisor is in charge of the control
5 room, because everybody reports to the day supervisor.

6 Q. Isn't it true that on nights and weekends there is no
7 dayshift supervisor in the --

8 A. They are available any time by the phone.

9 Q. Are they physically in the ESCC on the nights and
10 weekends?

11 A. Scheduled? Off -- sometimes they do come in.

12 Q. Are they scheduled to be in the ESCC on --

13 A. They are not.

14 Q. They are not, okay. Turning your attention, managing
15 and developing people, "I manage my team by knowing there [sic]
16 strengths and weaknesses and assigning work through out [sic]
17 the room accordingly."

18 What do you mean by "I manage my team"?

19 A. So that is I manage my team by knowing their
20 strengths and weaknesses in assigning throughout the room, so
21 we're talking about the -- the jobs, again, where were talk
22 about the out of services, do you feel comfortable? Is there
23 a -- are you qualified? Do you have your NERC cert? And
24 that's knowing the strengths and weaknesses.

25 Q. When you say, "my team," who are you referring to?

1 A. That would be the operators that are on shift with
2 me.

3 Q. Okay. Is it always the same? Do you generally work
4 in a team? Same team.

5 A. Yeah, usually it's maybe a year or two. They -- then
6 they change up the teams.

7 Q. Okay. So when you say "my" --

8 A. And they --

9 Q. Go ahead.

10 A. No, go ahead.

11 Q. So when you say "my team," you are specifically
12 referring to the operators that are assigned the same rotating
13 shift as you?

14 A. Correct.

15 Q. Okay.

16 A. It could be spares or training that would be in
17 there, too, so you have to know their weaknesses, if they're
18 certified.

19 Q. And as a shift supervisor, you would be familiar with
20 the strengths and weaknesses of the other operators, as well;
21 is that true?

22 A. You would talk to them to make sure that they have
23 all their -- that they are certified.

24 Q. And based on the information they tell you, you would
25 then assign work accordingly?

1 A. If that is needed, yes.

2 THE WITNESS: Can you hold on one second? My dog
3 just wants to get out of the room. Sorry.

4 (Pause.)

5 THE WITNESS: All right, sorry about that. I'm just
6 at home.

7 MS. RUGGIERO: It's okay. And if we can take a quick
8 break? I may be done.

9 HEARING OFFICER DURYEA: All right, do you want to go
10 off the record?

11 MS. RUGGIERO: Yes.

12 HEARING OFFICER DURYEA: Okay. How long would you
13 like?

14 MS. RUGGIERO: Until 9:10.

15 HEARING OFFICER DURYEA: 9:10 is fine. Okay, so
16 we'll go off the record and come back at 9:10.

17 MS. RUGGIERO: Thank you.

18 (Whereupon, a brief recess was taken.)

19 HEARING OFFICER DURYEA: Back on the record.

20 MS. RUGGIERO: I have a few follow-ups for Mr. Rossi.

21 CROSS-EXAMINATION (continued)

22 BY MS. RUGGIERO:

23 Q. Mr. Rossi, turning your attention to Company Exhibit
24 11, which is OP-40, we spoke it earlier. Again, looking at
25 Page 11, Section 4, one of the tasks that are listed under the

1 Operations Shift Supervisor duties is No. 6, "Conduct shift
2 brief."

3 Is that a task that can only be conducted by the
4 shift supervisor?

5 A. No.

6 Q. So it's your testimony that he can delegate that
7 function?

8 A. Everybody on that team conducts part of the shift
9 brief.

10 Q. Who's ultimately responsible to ensure the brief is
11 conducted?

12 A. That should be everybody in that room.

13 Q. So it's your --

14 A. A qualified operator is required to do a shift
15 turnover shift brief.

16 Q. So the shift supervisor does not have the ultimate
17 responsibility to ensure the brief is conducted; is that your
18 testimony?

19 A. Everybody that's qualified in that room has a
20 responsibility to conduct the turnover, the shift brief. They
21 put their initials on that turnover sheet, each operator that's
22 taking the shift, and they are saying they are responsible for
23 the items on that turnover sheet.

24 Q. So it's your testimony then, correct me if I'm wrong,
25 it's your testimony that the shift supervisor does not have the

1 ultimate responsibility to ensure the briefing is done?

2 A. That's correct.

3 Q. So looking at Page 15 of OP-40, this is a sign-off
4 sheet, Attachment A, where it says right here, "Shift
5 Supervisor Initials."

6 Is it your testimony that anybody can sign in that
7 block?

8 A. A shift supervisor signs in that block.

9 Q. Okay. And what is the shift supervisor signing off
10 on when he signs that block?

11 A. He is signing off that he reviewed the information
12 that's on this turnover.

13 Q. Okay. And that cannot be delegated; is that correct?

14 A. The shift supervisor initials?

15 Q. Correct.

16 A. If there is a operator that is substituting for a
17 shift supervisor, because that shift supervisor is sick or out,
18 and the day supervisor selected an operator to step in for the
19 shift supervisor, he will sign that shift supervisor initials
20 spot.

21 Q. And in that regard, the operator would be functioning
22 as a shift supervisor; correct?

23 A. That is correct.

24 Q. Okay. So in that box it would be the shift
25 supervisor or someone who is acting in the capacity of a shift

1 supervisor; correct?

2 A. That is correct. They would put their initials
3 there.

4 Q. Okay.

5 MS. RUGGIERO: I have nothing further.

6 HEARING OFFICER DURYEA: All right, Mr. Young, any
7 redirect?

8 MR. YOUNG: Yes.

9 REDIRECT EXAMINATION

10 BY MR. YOUNG:

11 Q. Aaron, I wanted to go back to the situation about
12 calling in for the -- when you need to add additional
13 personnel. Could you just go through generally the process of
14 how that works?

15 A. So if we need extra personnel, we get an alarm at the
16 Control Center. One of the operators can call the 1580, that's
17 the on-call, we tell them -- they're the on-call so we tell the
18 alarm we have --

19 Q. Well, let me stop you there. When you say they can
20 call the on-call, the on-call who?

21 A. That is the on-call supervisors.

22 Q. What are their -- are these --

23 A. These --

24 Q. When you say on-call supervisors --

25 A. These are supervisors that are in charge of the field

1 personnel. They -- so we tell them --

2 Q. The field. Let me stop you. So they're field
3 supervisors?

4 A. That's correct.

5 Q. All right, go ahead now.

6 A. We describe the alarm that we are getting at Control
7 Center. Based on the field supervisor's experience, they will
8 do a call-out list for the field personnel to respond. If they
9 feel the alarm -- the issue can wait till the morning, they
10 make that call and they'll tell us. The field supervisor will
11 make that call.

12 Q. What communication, if any, do you have not with the
13 field supervisor, but you report to a day supervisor; correct?

14 A. Correct.

15 Q. Do you have any communication with any -- your
16 supervisor -- day supervisor is who, Mr. Grady or Messier?

17 A. Grady.

18 Q. Would you have any communication with Mr. Grady?

19 A. Yes. I will give him a call on the supervisory cell
20 phone if there is a -- if there is a issue outside of our
21 normal procedures that we follow.

22 Q. And who would decide whether to -- to call in
23 additional personnel in that kind of a situation?

24 A. For the one we were just talking about for the --

25 Q. Yes. If you have to call Mr. Grady.

1 A. If I call Mr. Grady for a situation, he will call
2 other operators in to assist us in the Control Room.

3 Q. Not you? You don't make --

4 A. Not -- not me, correct. I can't --

5 Q. Excellent. Okay, does management ever direct you to
6 request more line crews if there's a large outage?

7 A. Yes. Management has called and asked -- they want
8 more crews.

9 Q. Do you know -- do you have an understanding of why
10 they want more -- why they might want more crews to come in, in
11 the instance of a large outage?

12 A. They would want the restore time to be quicker, so
13 they're going to try to get that job complete. Pick up
14 customers.

15 Q. We were looking at Company Exhibit 11.

16 A. I don't see it. Can you pull that up?

17 Q. It's not -- it's not up yet. I'm going to pull it
18 up.

19 A. Okay.

20 (Pause.)

21 MR. YOUNG: Is that on your screen now?

22 THE WITNESS: I don't see it, no.

23 MR. YOUNG: All right. One moment.

24 (Pause.)

25 BY MR. YOUNG:

1 Q. Now do you see it?

2 A. Yeah, I show OP-40 System Operations.

3 Q. Yeah, that's Company Exhibit 11. And Ms. Ruggiero
4 was asking you some questions about functions on Page 11 under
5 No. 4. Do you see that?

6 A. Yes.

7 Q. Do operators also perform these same functions that
8 are listed in Nos. 1 through 14 during the day?

9 A. Let's see. Through 14, the --

10 Q. Other -- strike that -- 1 through 13.

11 (Witness examined the document.)

12 THE WITNESS: Can -- okay, so 13 looks good. Twelve
13 looks like they -- let me see --

14 (Witness examined the document.)

15 THE WITNESS: So those are all performed by all
16 operators, 1 through 13. Can you scroll up just a little bit?

17 MR. YOUNG: Yeah.

18 THE WITNESS: Yeah. Those are all performed by the
19 operators in the room.

20 BY MR. YOUNG:

21 Q. Fourteen, I think we said the SIMS, we -- those are
22 done by the shift supervisors; correct?

23 A. That is correct.

24 Q. If the shift supervisor performs a SIMS observation,
25 is -- and finds that something isn't being done right, does the

1 shift supervisor have any authority to discipline the
2 individual whose being observed?

3 A. Can you say that again, Jeff?

4 Q. Yes. If the shift supervisor in the course of doing
5 a SIMS observation sees that something isn't being done
6 correctly, does the shift supervisor have any authority to
7 discipline that individual?

8 A. No. I cannot discipline.

9 Q. So let's -- going back again to No. -- I'm on Page 12
10 now of --

11 HEARING OFFICER DURYEA: Can we hold on a second.

12 Let me ask the court reporter whether she got Mr.
13 Rossi's entire last answer?

14 COURT REPORTER: I did.

15 HEARING OFFICER DURYEA: Because I did not.

16 COURT REPORTER: I did.

17 MR. YOUNG: I'm sorry, do you want me to repeat the
18 question?

19 HEARING OFFICER DURYEA: Yeah. Yeah.

20 Lainy, did you get the entire last answer?

21 COURT REPORTER: I believe I did.

22 HEARING OFFICER DURYEA: All right.

23 COURT REPORTER: I -- I did because I would have said
24 something if I didn't.

25 HEARING OFFICER DURYEA: All right, thank you.

1 THE WITNESS: Jeff, do you want to ask the question
2 again, just so it's clear?

3 MR. YOUNG: Mr. Duryea, do you want me to ask the
4 question again?

5 HEARING OFFICER DURYEA: No. As long as the court
6 reporter got it, that's fine. Thank you.

7 MR. YOUNG: Okay.

8 BY MR. YOUNG:

9 Q. So Aaron, I'm now on Company Exhibit 11, Page 12,
10 under "Nights." There's four different functions listed there.
11 Do the operators also perform those functions?
12 (Witness examined the document.)

13 THE WITNESS: That is all correct, yes.

14 BY MR. YOUNG:

15 Q. And now I'm scrolling down, there's one more thing
16 under the "Weekend." Does the operator also perform that
17 function?
18 (Witness examined the document.)

19 THE WITNESS: That is done by the shift supervisor.

20 BY MR. YOUNG:

21 Q. The turnover report, I know Ms. Ruggiero showed you a
22 page where we were talking about the block where the supervisor
23 signs it. Do you recall that?

24 A. Yes.

25 Q. Do the operators also, even though they don't sign

1 that block, do they sign elsewhere on the turnover report?

2 A. Yes, they do.

3 Q. There were some questions about your use of
4 independent judgment in terms of making changes to a switching
5 order. Can the operator also, using his -- can a qualified
6 operator, using his or her independent judgment, make changes
7 to a switching order?

8 A. Changes can be made but they have to be approved and
9 followed by the station orders and procedures.

10 Q. And if a change is being made by you, I think you
11 testified to this, does someone else have to sign off?

12 A. Yes.

13 Q. Who could that be?

14 A. A qualified operator.

15 Q. And if a change is being made by the qualified
16 operator, does someone else have to sign off?

17 A. Yes.

18 Q. And who could that be?

19 A. A qualified operator.

20 Q. As a shift supervisor, are you considered to be a
21 qualified operator?

22 A. Yes.

23 Q. So it could be either another Level II operator or a
24 shift supervisor?

25 A. That's correct.

1 Q. I think this is sort of the same thing, but can a
2 qualified operator change the sequencing on a switching order?

3 A. A qualified operator can change the sequence of a
4 switching order following the procedures and it has to be
5 signed off by multiple qualified operators.

6 Q. You talk about NERC certification. What -- just for
7 the record, what is NERC certification?

8 A. So it's training that we do and there's a test that
9 we have to take that we -- once we pass the test we are NERC
10 certified to operate the system for transmission, and there's
11 certain procedures we have to follow and that gives us -- that
12 gives the operators -- anybody that's NERC certified, the
13 ability to control the system at the Control Center. And to
14 take action in emergency situations.

15 Q. For individuals who are NERC certified under
16 established procedures and regulations, I gather they -- not
17 perform certain functions; is that right? [sic]

18 A. Can you say that again, Jeff?

19 Q. Yes. For individuals who are not NERC certified, is
20 it correct that because they lack certification, that some of
21 the operating procedures established by Eversource and perhaps
22 regulate -- and regulations from the Government prohibit them
23 from performing certain functions?

24 A. That is correct.

25 Q. I think we've gone over this, I want to make sure the

1 record's clear, you talked about a team. There are six
2 different teams; is that right?

3 A. That's correct.

4 Q. Each team consists of a shift supervisor and several
5 operators; correct?

6 A. That's correct.

7 Q. And I think you testified, or we saw an exhibit, that
8 showed that at least right now, the operators who are on your
9 team are Mr. von Koss and Mr. Studley; is that right?

10 A. That's correct.

11 Q. Am I correct -- does Mr. von Koss report to you?

12 A. He does not.

13 Q. Do you know who he reports to?

14 A. He reports to a day supervisor.

15 Q. How about Mr. Studley, does he report to you?

16 A. Mr. Studley does not report to me. He reports to a
17 day supervisor.

18 (Pause.)

19 MR. YOUNG: Is Petitioner Exhibit 14 up on your
20 screen, sir?

21 THE WITNESS: No, I just show your --

22 MR. YOUNG: Okay.

23 COURT REPORTER: You have an email up.

24 MR. YOUNG: Yeah, that's how I got to it.

25 COURT REPORTER: Oh, okay.

1 MR. YOUNG: Is it now on your screen?

2 THE WITNESS: No. Now I see it.

3 MR. YOUNG: Okay, thank you.

4 BY MR. YOUNG:

5 Q. And I'm just going to scroll down, but there were
6 some questions about taking ownership and on this exhibit, on
7 Page 12, those are your initials you testified; correct?

8 A. Yes, those are my initials. "AR" with a slash under
9 it.

10 Q. Is that taking ownership?

11 A. I reviewed the job, and everything was according to
12 our procedures.

13 Q. My question again, is that taking ownership?

14 A. That -- can you say that again? I couldn't hear you.

15 Q. Yes. When you put your initials on Page 8 of
16 Exhibit -- Petitioner Exhibit 14, is that taking ownership?

17 A. Correct.

18 Q. There were a few questions that Mr. Dickie answered
19 about Dale Carnegie training. Have you been offered Dale
20 Carnegie training?

21 A. I have not. No.

22 Q. Okay. And I know we saw your reviews in Company
23 Exhibit, I think it was 20, who does your actual review?

24 A. That would be the day supervisor.

25 Q. Do you know who reviews the operators?

1 A. The day supervisors.

2 Q. I wanted to show you --

3 MR. YOUNG: One moment, please. I'm looking for
4 the -- I think it was the Qual card and the exhibit.

5 MS. RUGGIERO: 17, I think.

6 MR. YOUNG: 17, thank you.

7 (Pause.)

8 BY MR. YOUNG:

9 Q. Is Petitioner Exhibit 16 on your screen?

10 A. Yes. Looks like the Training Manual.

11 Q. Right. You may have already testified to this, but
12 that right hand column that says "Complete," you -- do you sign
13 off on that at all?

14 A. I do not. That's done by the Training Department.

15 Q. And then --

16 MS. RUGGIERO: Can you just clarify that, I'm sorry,
17 I couldn't hear the answer to that.

18 THE WITNESS: That is -- no, that is done by the
19 Training Department. Or maybe management. Not me. I don't --
20 I do not sign off on that.

21 BY MR. YOUNG:

22 Q. Is Exhibit 17 on your screen?

23 A. Yes. Qualifications? Yes.

24 Q. Yeah. Do you have any authority to -- do you have
25 any authority to promote a operator Level I to a operator Level

1 II?

2 A. No. I do not promote other operators.

3 Q. There's a group of tasks here that need to be
4 completed by the operator. Do you sign off on those?

5 A. Any qualified operator, yes, can sign off on a task
6 that they performed.

7 Q. So it could be a Level II operator?

8 A. That is correct.

9 Q. Could be you?

10 A. Correct.

11 Q. Could be someone in management?

12 A. Correct.

13 Q. But ultimately the decision to promote, I think you
14 said, is not something that you make?

15 A. That's t.

16 Q. Okay. Do you have any authority to take correction -
17 - corrective action against a member of your team if he doesn't
18 do the job right?

19 A. The only thing I can do is stop the job. I cannot
20 discipline him.

21 MR. YOUNG: Could I have about two minutes, Mr.
22 Duryea? I think I'm done with my redirect here.

23 HEARING OFFICER DURYEA: Why don't we go off the
24 record. Let me see, yeah, let's go off the record. I'll give
25 you -- is three minutes good?

1 MR. YOUNG: Can you give me five so I can take a bio
2 break while we're off?

3 HEARING OFFICER DURYEA: Absolutely. Absolutely.
4 Let's come back at 9:45.

5 MR. YOUNG: Thank you.

6 HEARING OFFICER DURYEA: Off the record.

7 (Whereupon, a brief recess was taken.)

8 HEARING OFFICER DURYEA: Back on the record.

9 MR. YOUNG: No further questions.

10 HEARING OFFICER DURYEA: Any recross, Ms. Ruggiero?

11 MS. RUGGIERO: Yes. Just a few questions.

12 HEARING OFFICER DURYEA: Okay. Let's wait until Mr.
13 Rossi is back. I don't --

14 THE WITNESS: I'm all set. I'm right here.

15 HEARING OFFICER DURYEA: Oh, okay. Great.

16 RECROSS-EXAMINATION

17 BY MS. RUGGIERO:

18 Q. Mr. Rossi, when did you become a shift supervisor?

19 A. I believe it was a year and seven months ago.

20 Q. And do you know when the Dale Carnegie supervisory
21 training was offered?

22 A. I do not.

23 Q. Okay. So turning back to CX-11, which is OP-40, and
24 I will put it up on the screen, do you see that?

25 A. Yes. Yeah.

1 Q. Okay. And I -- I want to make sure I understand your
2 testimony. And I believe it was that all of the duties listed
3 under the operations shift supervisor function were the same as
4 those listed under the operator function?

5 A. No.

6 MR. YOUNG: Objection, that's not --

7 MS. RUGGIERO: Oh.

8 MR. YOUNG: No, go ahead. You can -- that's a fair
9 question.

10 MS. RUGGIERO: Yeah, okay.

11 MR. YOUNG: Withdrawn. Withdrawn.

12 MS. RUGGIERO: Okay.

13 BY MS. RUGGIERO:

14 Q. Can you clarify, if you recall, what your testimony
15 was? If not, I'll ask another question.

16 A. Okay, so what was your question?

17 Q. Was it your testimony that the duties listed under
18 the operations shift Supervisor function are the same as those
19 listed under the operator function?

20 A. Can you scroll down?

21 Q. Sure.

22 (Witness examined the document.)

23 THE WITNESS: One through 13.

24 MS. RUGGIERO: Okay.

25 BY MS. RUGGIERO:

1 Q. So I want to focus in again on No. 6, which is
2 "Conduct the shift brief." And my question is, where does that
3 appear -- and I will scroll up to the top so we can scroll down
4 together -- where does that appear on the responsibility or
5 action list for operators?

6 HEARING OFFICER DURYEA: Just to be clear, what page
7 are we on? It look like we're on Page 5?

8 MS. RUGGIERO: Five, correct.

9 HEARING OFFICER DURYEA: Okay, thank you.

10 THE WITNESS: Let's see, are we looking at -- "Review,
11 comprehend system information conveyed on the shift turnover
12 sheet." Step 5.

13 BY MS. RUGGIERO:

14 Q. Where does it reference "Conduct a shift brief"?

15 A. That's -- that's part of a shift brief, isn't it,
16 shift turnover sheet?

17 Q. It is a shift brief, though; isn't that correct?

18 A. Review the shift turnover sheet.

19 Q. So is it your testimony that a shift turnover sheet
20 is the same thing as conducting a brief?

21 A. During -- you -- during the brief you are reviewing
22 what is on the turnover sheet and the jobs that -- is at
23 turnover that you are -- from nights to days.

24 Q. I understand. But reviewing a shift turnover sheet
25 is not the same as conducting a shift brief; isn't that

1 correct?

2 A. Say that again?

3 Q. Reviewing a shift turnover sheet is not the same as
4 conducting a shift brief; isn't that correct?

5 A. But we all --

6 Q. That's not my question. My question is whether or
7 not reviewing a shift turnover sheet is the same as conducting
8 a shift brief?

9 A. Correct. Reviewing a turnover sheet is not the same
10 as a shift brief.

11 Q. And conducting the shift brief is a responsibility
12 that lies solely with the shift supervisor; isn't that correct?

13 A. That is not correct.

14 Q. Where does it say under the actions or duties of an
15 operator that they can conduct a shift brief?

16 A. They participate in the shift brief.

17 Q. But they -- participation is not the same as
18 conducting; isn't that correct?

19 A. Correct.

20 Q. Okay. So let me ask this again; where does it say
21 that an operator can conduct a shift brief?

22 A. I don't see it on the screen right here.

23 MR. YOUNG: Excuse me, do you want me to send you the
24 entire document so you can look through it? Or --

25 HEARING OFFICER DURYEA: Well, I mean --

1 MR. YOUNG: The document will speak for itself
2 actually.

3 HEARING OFFICER DURYEA: Yeah. I do note that the
4 document will speak for itself, Ms. Ruggiero. If -- if that
5 will be sufficient?

6 MS. RUGGIERO: Okay.

7 BY MS. RUGGIERO:

8 Q. And I'll just draw your attention then to Page 3 of
9 the document, Mr. Rossi, and under the Operations Shift
10 Supervisor duties does it not specifically state "Perform shift
11 briefing"?

12 A. It does say that there, yes.

13 Q. And it also says that they supervise the system
14 operator supervisors; is that correct?

15 A. It does say that, yeah, on the --

16 Q. And the system operator supervisors, are those
17 individuals that we have been referring to as the Level I and
18 Level II operators? Isn't that correct?

19 A. I believe so, yes.

20 Q. Okay.

21 MS. RUGGIERO: I have nothing further.

22 HEARING OFFICER DURYEA: Any redirect, Mr. Young?

23 MR. YOUNG: Just quickly.

24 FURTHER REDIRECT EXAMINATION

25 BY MR. YOUNG:

1 Q. Aaron, who participates in the shift briefing?

2 A. That is --

3 Q. I'm sorry, the turnover briefing?

4 A. Say that again, Jeff?

5 Q. Yeah, I -- who participates in the turnover briefing
6 when the shift is going to change from outgoing to oncoming?

7 A. All operators that are oncoming and outgoing on
8 shift.

9 Q. Does anyone else besides the operators participate?

10 A. If there is a day supervisor he can participate,
11 also.

12 Q. Do the shift supervisors also participate?

13 A. Yes.

14 Q. both incoming and outgoing?

15 A. Yes.

16 MR. YOUNG: That's all I have, thank you.

17 HEARING OFFICER DURYEA: All right, Ms. Ruggiero,
18 anything else?

19 MS. RUGGIERO: I have nothing further.

20 HEARING OFFICER DURYEA: All right, okay, Mr. Rossi,
21 we're finished with you, so you're excused.

22 (Witness excused.)

23 HEARING OFFICER DURYEA: And Mr. Young, are you
24 prepared to continue with your next witness?

25 MR. YOUNG: Yes. Call Brendan von Koss.

1 HEARING OFFICER DURYEA: All right, Mr. von Koss,
2 good morning. If you would raise your right hand for me?
3 (Whereupon,

4 BRENDAN von KOSS,
5 was called as a witness and, after having been duly sworn, was
6 examined and testified as follows:)

7 HEARING OFFICER DURYEA: All right. Could you please
8 state your name and spell it for the record?

9 THE WITNESS: Yes, good morning everyone. My name is
10 Brendan von Koss, B-r-e-n-d-a-n, last name is two words, v as
11 in Victor, o-n, space, K-o-s-s.

12 MR. YOUNG: May I proceed?

13 HEARING OFFICER DURYEA: Yes, please proceed.

14 MR. YOUNG: Thank you.

15 DIRECT EXAMINATION

16 BY MR. YOUNG:

17 Q. Brendan, where are you employed?

18 A. I'm employed at Eversource Energy.

19 Q. How long have you been employed there?

20 A. Roughly four years. I think just over four now.

21 Q. Did you have employment in the industry before you
22 went to work at Eversource?

23 A. Not in the electrical industry. I attended and
24 graduated from the U.S. Merchant Marine Academy in 2012.
25 Afterwards, I sailed as a marine engineer for about six years

1 in various maritime industries. And then I came shoreside and
2 joined with Eversource Energy and have been working there ever
3 since.

4 Q. What's your current position with Eversource?

5 A. I am a system operations supervisor, Level II.

6 Q. So you're an operator Level II?

7 A. Correct.

8 Q. How long have you been an operator Level II?

9 A. I think at this point a little over a year. Maybe a
10 year and two months.

11 Q. Did you hold other positions with Eversource before
12 you got to the Level II position?

13 A. Yes. When I joined Eversource, I was part of the
14 SOC, which is the Distribution Center. I was there for about
15 two years. And then I transferred over into the Transmission
16 Control Room, the ESCC.

17 Q. Who did your training to work as a operator No. 1?

18 A. Sorry, say that again, Jeff?

19 Q. Who did your training to become an operator No. 1?

20 A. Yeah, so initially when you join ESCC, you have about
21 three or four months of formal training with the Training
22 Department before you go on a shift. That -- that one exhibit
23 that had the index of all the different training items, that's
24 conducted and supervised by the Training Department. And then
25 once you complete all those various modules and classes, then

1 you join a shift as a Level I, as an unqualified operator. And
2 then at that point, you -- you begin filling that Attachment
3 Delta, I think it's possibly Exhibit 18, where any qualified
4 operator, so Level II, or a shift supervisor or a day
5 supervisor, or even the manager can sign off on various tasks
6 as part of becoming a qualified operator.

7 Q. That's the Qual card exhibit?

8 A. Yes. We colloquially refer to it as a Qual card.

9 Q. It's actually Petitioner Exhibit 17, not 18.

10 A. Oh, sorry.

11 Q. Yeah. That's okay. So is there -- from your
12 perspective, is there a line of progression on the ESCC side?

13 A. Yes. The general progression is Level I unqualified.
14 Level II qualified. And then shift supervisor.

15 Q. Are the shift supervisors generally more senior and
16 more experienced than the operators?

17 A. Yes. That is true.

18 Q. Is there a difference in pay?

19 A. I think it's about eight to 10 thousand dollars
20 between a Level II and a shift supervisor.

21 Q. Do you report to the shift supervisor?

22 A. I do not. I report to the day supervisor.

23 Q. Who is the day supervisor that you report to?

24 A. In my case it's Ron Messier.

25 Q. And who do the shift supervisors report to?

1 A. They also report to a day supervisor.

2 Q. Where do you work physically?

3 A. We work in the Transmission Control Center, which is
4 in Manchester, New Hampshire.

5 Q. Where do the shift supervisors work?

6 A. Alongside us in the same control center.

7 Q. And how about the day supervisors?

8 A. They either are working at the Control Center, as
9 well, or they're working from home. They -- they have an
10 arrangement between the three of them where two of them on site
11 and one is from home.

12 Q. There was some testimony from Mr. Dickie about, I
13 believe, another transmission center in, I think it was Derry,
14 and a go-bag. Do you ever work out of that center?

15 A. Yeah. Depending -- we refer to that as a backup
16 control center. If there's any kind of project being done at
17 the main center, or we're doing a drill, or we need to practice
18 working out of the backup center, then we do report to the
19 backup center. Correct.

20 Q. And can you explain for the record, you know, how
21 that comes about that you wind up working in the -- who tells
22 you or how that works going to the other center?

23 A. Yeah. So in a -- in a planned orderly fashion, when
24 there's a project known in advance, the day supervisor would
25 look at, you know, how they want to organize and how they want

1 to send crews and operators and shift supervisors, so they
2 would notify those personnel to go to the Derry backup center,
3 as opposed to Manchester. And if it is a unplanned event, such
4 as the building catches on fire in Manchester, then we have an
5 evacuation procedure that we follow, where we -- we have a
6 whole bunch of things we have to do along the way. And we make
7 our way to Derry and resume control of the system.

8 Q. There's a procedure that is followed in case of an
9 emergency?

10 A. Yes, there is. It's all very pre-established and
11 rigid.

12 Q. How much contact do you -- I know you said that you
13 reported to Mr. Messier. During the days that -- when you're
14 working days, as opposed to nights, is that -- Mr. Messier
15 might be actually in the Control Center; is that right?

16 A. Yeah. So during the day, like Monday through Friday,
17 there is always at least one day supervisor. In the back of
18 the Control Center, they have their own office which is inside
19 the Control Center. There is quite a bit of interaction
20 between the day supervisor and each operator, as well as a
21 shift supervisor. It's pretty fluid.

22 Q. What are the kinds of things that you would be
23 talking to the day supervisor about when you're in the Control
24 Center?

25 A. Yeah, we would approach them if we had any specific

1 questions about how a planned job is going or maybe we're
2 working on -- we've mentioned writing switching orders; the day
3 supervisors are definitely the most experienced and
4 knowledgeable in the room during the day, so often times
5 they're the first points of contact for really the granular
6 details of writing the switching orders. And often times
7 they'll come out and they'll ask us how the jobs are going, and
8 you know, see if there's any improvements to be made.

9 Q. There was some testimony about making changes in the
10 switching order. Do you have authority to make changes in the
11 switching order?

12 A. Yes. So if we deviate from the pre-written switching
13 order, that at times can be pre-written and approved by up to
14 20 different operators and above, the person whose making a
15 change will make that change. They'll handwrite it in the in-
16 between spaces of that order, and then you need to get another
17 qualified operator, which can be a Level II, a shift supy, a
18 day supervisor, or even the manager, they can approve that
19 change. And that change can either come from some kind of
20 alarm that comes through the system while you're performing the
21 job, or maybe the field personnel says hey, I didn't notice
22 this before, but we need to do X, Y, Z.

23 Q. So just to quickly summarize, there's a bottom line
24 that if you're making a change you have get approval to do
25 that, or have someone else sign off before you make the change?

1 A. Yes.

2 Q. And can you approved changes -- are you a qualified
3 operator?

4 A. I am. I'm a Level II.

5 Q. Can you sign off if you're a part of -- strike that.
6 You're part of a team right now with Mr. Rossi, who's
7 the shift -- your shift supervisor; correct?

8 A. Correct.

9 Q. Mr. Rossi wants to make a change in the switching
10 order, do you have authority to sign off on his change?

11 A. Yes, I do.

12 Q. Can Mr. Rossi make a change without having someone
13 who is qualified sign off on a switching order?

14 A. No. No matter how qualified or high up the person
15 is, they cannot independently make a change and then just run
16 with it and operate that way. It has to go through a second
17 set of eyes. It's a safety check.

18 Q. We were talking a moment ago about interaction
19 between you, as an operator, and the day supervisor during the
20 days when day supervisors are present in the Control Room. Are
21 day supervisors present in the Control Room at night?

22 A. No. Not during regularly scheduled hours. The only
23 time they would be in the Control Room at night would be if we
24 had some kind of major disturbance or maybe a -- a large
25 weather event is rolling through and they want management staff

1 on site.

2 Q. On the instances where they're not on site, what kind
3 of communication, if any, do you as a day operator -- correct
4 that -- what kind of communication do you as an operations
5 order have with the day supervisors?

6 A. Yeah. So there are plenty of times when I'll
7 directly reach out to day supervisor and above during the night
8 shift or maybe during the day, during the weekend.

9 An easy example is if the shift supervisor -- we'll
10 just use my team, Aaron in this instance, if he's involved
11 really heavily with a switching event and he's on the phone or
12 he's talking to a neighboring utility and he can't get off the
13 phone and that notification needs to be made to higher
14 management, then I'll make that call.

15 Q. Do you have to have shift supervisor's permission to
16 contact the day supervisor?

17 A. No, I do not.

18 Q. Does the day supervisor ever contact you directly?

19 A. Yeah. There -- there's been when they would call in
20 through the phone system. Maybe if the shift supy line is
21 busy, something like that. That unrecorded cell phone we
22 mentioned.

23 Q. What's the procedure -- is there a procedure you
24 follow if you're going to be out of work because you're sick?

25 A. Yeah. So if I have to call in sick I will notify my

1 shift supervisor, but that's more of a courtesy. I'm required
2 to notify my day supervisor because they're the one that makes
3 the determination if they're going to fill my shift, my empty
4 spot, and who they're going to call into the -- to fill that
5 spot.

6 Q. So just so the record is clear, if you're going to be
7 absent, who makes the determination as to whether your -- the
8 vacancy caused by your absence is filled?

9 A. The day supervisor.

10 Q. Does the shift supervisor have any authority to
11 excuse your absence?

12 A. No, he does not.

13 Q. Who has the authority to do that?

14 A. The day supervisor.

15 Q. If there is a decision made by the day supervisor to
16 fill your position, do you know who actually makes the call to
17 find someone to go in for you?

18 A. The day supervisor.

19 Q. How about in terms of your vacations, does the shift
20 supervisor have authority to approve a vacation day for you?

21 A. No. That exclusively -- those requests go through
22 the day supervisor.

23 Q. Do you ever -- what happens when the shift supervisor
24 is absent? Is that position always filled by who?

25 A. So in general, the day supervisor will do their best

1 to get another shift supervisor in. But there have been times
2 when maybe it's in the middle of summer, everyone -- all the
3 other off-shift day supervisors are on vacation or out of
4 state, or just not immediately available, you'll have a Level
5 II qualified operator step up. And I've done so in the past on
6 one occasion.

7 Q. And when you filled in on that one occasion, do you
8 recall approximately when that was that you filled in for the
9 absent shift supervisor?

10 A. I can't give you an exact date. I would have to look
11 at the records, but I believe it was possibly in October or
12 November of last year when I was working with Richard Murphy.
13 He was my -- on our team shift supervisor. And that was for
14 one day.

15 Q. So it wasn't for -- because Mr. Murphy was out for an
16 extended period of time?

17 A. No. This was a -- he got sick that morning and
18 couldn't come in. Yeah.

19 Q. How does your work compare to the work of a shift
20 supervisor?

21 A. Functionally, we are doing the same exact job. We're
22 following pre-established procedures to operate the system. We
23 are responding to outages as a team. As a unit. The only
24 notable difference is we mentioned those SIMS observations;
25 Level II does not have access to that program. And also, I

1 believe, those recording -- line recordings. All operators
2 used to have access to that system; I think they made an update
3 to the program and changed that up and they chose to give
4 access to the shift supervisors.

5 But no, in terms of function -- functionally
6 operating the system and keeping everything running reliably
7 and safely, the shift supervisors and operators are doing the
8 same thing. And just to flesh that out, if the field is
9 calling in asking a question or getting a job, there's often
10 times when they wouldn't know if they were talking to a Level
11 II operator or a shift supervisor because we're -- we're very
12 much hand-in-glove doing the same thing.

13 Q. And what do you basically do to ensure the operations
14 are maintained on the grid?

15 A. Yeah, so big picture, I mean in the ESCC we control
16 the power flow and the voltage throughout the New Hampshire
17 Eversource-controlled equipment. We have two main brackets
18 that that falls under in terms of reliability. You got your
19 thermal limits and your voltage limits.

20 Thermal limits is basically the amount of current
21 that's flowing through the line, or transformer for that
22 matter. We have a bunch of standards that we -- in conjunction
23 with ISO New England, like the watchdog for need -- we keep a
24 monitor on that. And also in voltage, we have a band that we
25 have to say within. If you go too high, you're going to damage

1 your equipment in that way. And if you go too low in your
2 voltage, you can have a system-wide collapse. It's kind of
3 like a black hole where we can drag in our neighbors and --

4 So we have lots of -- we mentioned OP-19, that one
5 exhibit, that's -- we call that the "Bible" of operating the
6 system, and that's where all those practices fall under. Yeah,
7 basically we use that document to keep things running smoothly
8 and safely. No one deviates from that standard.

9 Q. I'm sorry, and which document is that, again,
10 Brendan?

11 A. OP-19. I'm not sure which Company exhibit that was.

12 Q. Okay.

13 MS. RUGGIERO: Twenty-one.

14 MR. YOUNG: Twenty-one.

15 BY MR. YOUNG:

16 Q. So could you just describe for me, generally, what a
17 typical day looks like for you?

18 A. Yeah. So let's go with a weekday, not a holiday. So
19 the dayshift, if I was part of the dayshift, we would arrive
20 roughly 5:20 in the morning. The shifts are usually 6:00 to
21 6:00, but you arrive a little bit before so that you can get a
22 handle on the system, see what happened over the night. Once
23 everyone on your team has arrived, you -- you'll be looking
24 through the turnover that was prepared by the nightshift. That
25 turnover is conducted between the off going [sic] and oncoming

1 crews, or the shift, for that matter. That's the time when
2 you'll -- if there was a night job that was started on behalf
3 of the day crew so they could get a jump on work, that's when
4 me, for example, I'll take that hallway completed job from a
5 different operator to finish it up and issue it out to the
6 field so they can begin their work.

7 Also, during turnover, you're talking about if there
8 was a large outage or a big event that the day crew needs to be
9 aware of because the dayshift are going to want to hash it out
10 and see if there was anything that was missed or anything that
11 was -- still needs to be repaired or smoothed out, that's when
12 that's done.

13 So then fast forwarding, the dayshift has taken the
14 shift. You'll start issuing out those planned jobs. You'll be
15 taking --

16 Q. Let me stop -- let me stop you there for a minute.

17 A. Okay.

18 Q. Was what you were just describing -- there was some
19 discussion of the shift meeting or --

20 A. Shift turnover, yeah.

21 Q. Shift turnover meeting; is that what you were just
22 essentially describing?

23 A. Correct. Yeah.

24 Q. Okay. Who -- and who participate -- is everyone --
25 is that something that's held at a regular time every day?

1 A. Yeah. It's -- it's always between -- it depends on
2 crew to crew, and when they show up, but usually it's between
3 5:45 and 6:00, yeah, in the morning.

4 Q. Okay. Kind of the first thing that happens every
5 day?

6 A. Yeah. It's the first structured thing.

7 Q. When you're coming on shift?

8 A. Yeah.

9 Q. And the last thing when you're going off shift?

10 A. Yeah. And it's a mirror image for the night guys; we
11 tell them what happened during the day.

12 Q. Okay. So go forward from there. So you've had this
13 shift turnover discussion, looked at the paperwork, then what?

14 A. Yeah. And then you're beginning to issue out planned
15 jobs. By that time, maybe 7:00 a.m. rolls around, we have a --
16 kind of like a conference call between everyone in operations.
17 So we have the operators in ESCC on a call with the
18 distribution supervision in the SOC, as well as the
19 Coordination Department because they're the ones that set up
20 all our really bit outages and jobs. Basically, that's --
21 that's like another check before the day really gets into
22 action to see if anything was missed or overlooked, because
23 again, if you take out the wrong line or you're doing too many
24 things at once that aren't fully looked at, you can have
25 reliability problems and that can affect the system and safety

1 of the public. So then you -- you have that call. Usually
2 there's a safety message at part of that -- as part of that
3 call, just as a reminder.

4 And then the day continues. You're issuing jobs.
5 You're making changes if needed. And then at any time during
6 the day, also, you can have an unexpected line outage where the
7 system is operating and opening and closing devices, and then
8 the team, as a whole, is making a plan to adjust the system to
9 make repairs to isolate, to pick up customers. I believe we've
10 talked about that a bit so I won't go too far into it.

11 But yeah, and then you approach the end of the day.
12 You might have had a spare moment or two to be writing plan
13 switching for the upcoming weeks and days. And then you turn
14 it over to the night guys. Yeah.

15 Q. How is it decided -- there are sometimes multiple
16 switching jobs during the day; correct?

17 A. Correct.

18 Q. How's that decided?

19 A. Yeah. So we can have 10, 12 out of services, the
20 more in-depth the jobs, and you can have 20, 30 NRAs, which are
21 a little bit quicker, but still important, and you can
22 informational jobs where there's no switching involved, but
23 it's more of an awareness; those jobs are divvied up based on
24 experience, as we were talking about, whether a person's
25 qualified or not, and just whether that operator has looked at

1 the job previously. If they've -- if they're fully aware of
2 everything that's implicated in the job, and maybe they just
3 don't feel comfortable taking on a major job that day, and they
4 say, hey, I'll take the more minor things.

5 Often times, it's the field calling in and saying,
6 hey, I'm looking to start this out of service, and whichever
7 operator picked up the phone, they take that job if they're
8 comfortable with it. As a team, you say, hey, I'm going to
9 take this job and everyone says, okay, sounds good. That's in
10 general how it goes, yeah.

11 Q. So is it fair to say a consensus is reached as to
12 whose going to do what?

13 A. That's how I would operate it, yeah.

14 Q. Can the shift supervisor discipline an operator if
15 the operator does something wrong?

16 A. No. That comes from day supervisors and above.

17 Q. Have you ever made a switching error?

18 A. I have.

19 Q. And when did that occur, Brendan?

20 A. That was about four months after joining the
21 Transmission Control Room, so about a year and a half ago from
22 now. Yeah.

23 Q. Who was your shift supervisor at the time?

24 A. That was Matthew Urie. Matt Urie.

25 Q. And what was the mistake that was made?

1 A. In broad terms, I selected the wrong device when I
2 was switching out a line on behalf of the field, and it -- the
3 relaying wasn't configured properly. We talked about relays
4 previously in testimony with the other witnesses. It wasn't
5 configured properly, so I ended up dropping a -- we call them a
6 "nug," a non-utility generator; they produce power for the
7 system.

8 Q. What were the consequences of your mistake?

9 A. Yeah. So that was -- they -- the Company conducted
10 what's called an IA, I hope I'm getting this right, it's
11 Incident Analysis. It's like a -- an after action review where
12 they interviewed directly all members of my team. So there was
13 another Level II, I was a Level I, as well as the shift
14 supervisor. They wanted to know everything that led into that
15 mistake. It was -- I looked at it more as a wholistic
16 approach. It wasn't like a -- it was clear that I had messed
17 up. I take full ownership of that. But it was more of a fact-
18 finding mission so they could see how they can improve the
19 process so that it would -- doesn't happen again.

20 And the major cause they found on that one as that I
21 was doing the switching during turnover when I was about to
22 start, so the guys were -- the day guys were coming in for the
23 dayshift and talking amongst themselves and I should have taken
24 it upon myself to probably take a step back and slow down, but
25 I did not, and that was, I would say, just part of general

1 freshness to the position. And so that was, I believe, what
2 the -- I might be wrong, but I think that was the major finding
3 from that switching error.

4 Q. Was Mr. Urie, the shift supervisor, disciplined for
5 what happened?

6 A. No, he was not.

7 Q. Brendan, do you use any independent judgment in
8 carrying out your work?

9 A. No, I do not. We all follow very rigid, pre-
10 established procedures. And when there is something truly
11 abnormal, we're contacting the day supervisor.

12 Q. You've been talking about -- you have talked about
13 what happens when you've got planned maintenance going on and
14 something needs to be changed. What happens if there's an
15 unplanned outage?

16 A. Yeah. So if we have an unplanned outage on the
17 system, we have an audible and a visual indication that that's
18 occurring. As a team, you're looking at what happened.
19 You're -- people are -- it takes a few seconds to get to the
20 right screen, so there is a little bit of a -- like half a
21 minute to get everyone on the same page. By then, the system
22 should have responded.

23 You know, we've talked about trip and reclose, that
24 kind of thing. Won't get too deep into that. But basically,
25 as a team, everyone is saying, hey, I see this fault between X-

1 device and Y-device, let's just say. We come up with a plan as
2 a team, like hey, I think we should open X, close Z, and open Y
3 and close A. That's called sectionalizing. That's where we
4 can pick up customers around the outage. That is very much
5 done as a unit, as a team. No one person is saying you do
6 this, you do that.

7 There are plenty of times when I look at the
8 situation wrong and someone says, hey, you got that wrong.
9 There's actually a different device we should be using. And
10 same goes for the shift supervisor; if he says, hey, I think we
11 should do this, me or Kyle on the team will often correct him
12 saying, no, there's something else going on here, let's rethink
13 this. And then we execute the plan. We -- so we do what we
14 can in less than five minutes, ideally. And then we request --
15 we're talking about a line outage, so in this case we would
16 request the SOC, the Distribution Control Room, to dispatch
17 crews for us.

18 And then we're making notifications to management.
19 Usually, if we're doing this kind of sectionalizing, it pretty
20 much always gets notified to management directly, and that's
21 a -- that's a direct notification. Not like a voicemail or an
22 email. That's where we're calling them saying this is what
23 we've got. This is how many people are out. And then a log
24 is -- along with every step of the way, like if crews get on
25 site an hour later and they're saying it's going to take four

1 hours, we're telling meeting that -- the day supervisors and
2 above, and they're having direct input. Well, did you think --
3 or can you please send three more crews to reduce this outage
4 time? Things like that. So we're notifying them every step of
5 the way, and that's how we would handle it.

6 Q. Who makes the decision whether to send the additional
7 teams?

8 A. So that -- that's either coming from the field
9 personnel on site saying, hey, I'm -- I've got way too much
10 going on for just the two of us on site, I need more crews. Or
11 it's coming from management saying send more crews.

12 Q. I think you related this, but how -- how does that --
13 are there goals that management has set in terms of restoring
14 power in the event of an outage -- unexpected outage?

15 A. Yeah. The goal is that you use the system the best -
16 - to the best ability that you can to pick up customers in less
17 than a certain time frame. Most cases it's five minutes. And
18 the expectation is that you're doing that safely and in a
19 controlled fashion.

20 Q. Do the field personnel report to the shift
21 supervisor?

22 A. No. The -- whether it's a lineman, a switchman, a
23 communications and control technician, a transmission lineman,
24 they all have their own direct chain of command that they
25 report to. Yeah, we simply are using them for the jobs they

1 were hired for to make repairs and respond to the system.

2 Q. Were you working there when there was an outage in
3 Laconia?

4 A. I was still in the SOC at the time.

5 Q. Did you --

6 A. I'm aware of the incident.

7 Q. What happened there?

8 A. Pretty much very similar to my error, but just on a
9 bigger scale; it was a -- the wrong switch was selected as part
10 of the isolation that was planned. So there was a deviation
11 from the plan switching. Same as mine. But it resulted in a
12 much bigger impact.

13 Q. Was anyone, to your knowledge, disciplined for that?

14 A. Yeah. Marshall Diamond, the operator was taken off
15 shift, lost his shift differential. He had to present training
16 to all the other shifts throughout the next six weeks. And
17 then I believe he was not operating the system at the time, as
18 well. So he wasn't performing his normal job functions.

19 Q. Do you know whether his shift supervisor was
20 disciplined for the mistake?

21 A. He was not.

22 Q. Are there times when a shift supervisor is not
23 available?

24 A. Yeah. So we have a galley, or a kitchen, in between
25 the two control rooms and it's pretty common place for an

1 operator or a shift supervisor to take a step out and prepare
2 food. So that would be a -- a usual occurrence.

3 Q. What happens if there's an unexpected occurrence
4 while the shift supervisor is out getting lunch or something of
5 that nature?

6 A. Yeah. So if an unexpected outage occurred without
7 the shift supervisor present, we're basically taking all the
8 same exact actions and steps, but you just have one less set of
9 eyes, granted the most experienced set of eyes, looking at the
10 same thing the operators are. But you're taking all the same
11 cautious and steady steps to -- to pick up customers, yeah.

12 Q. What do you do if you're not certain about what to do
13 and the shift supervisor isn't available?

14 A. You -- I mean, if it's an emergent switching event
15 where you're under a five-minute timer, you're going to take
16 your best approach that you have between you and the other
17 operator on shift. But it's something that can wait, you're
18 going to be running it by -- if you don't know when the shift
19 supervisor's going to come back, you're going to run it by the
20 day supervisor.

21 Q. When there isn't -- I think you've talked about this,
22 but when there is an outage and the shift supervisor is
23 available, how is it decided what to do about that outage?

24 A. Yeah. Like I said, you come up with a plan as a
25 unit, a team. You're -- at least on our team there's a set

1 rotation, basically, of who takes the unexpected outages. So
2 it might be me that takes the first one of the day, and then
3 Kyle will take the next one, and then Aaron will take the next
4 one. But like I said, you're -- you're very much not
5 independently making these -- these changes and decisions on
6 the grid; you're running it by the entire team.

7 Q. There are times when additional personnel needs to
8 respond to an outage, and I think you testified that the day
9 supervisors will decide, and the field supervisors, whether to
10 get additional help; is that correct so far?

11 A. Correct.

12 Q. In terms of the actual personnel then that goes to
13 respond, how is that determined? Do you play any role in that?

14 A. No. We can't say, you know, select a certain lineman
15 to go or a certain field electrician go. That's running
16 through a plan roster, basically.

17 Q. Are there different planned rosters for the different
18 geographical areas that the Company serves?

19 A. Yeah. So I think it was mentioned, we have -- the
20 state is divided up geographically in various -- various
21 regions for New Hampshire. And there's a set -- set of
22 personnel that operate within each area. And if -- let's say
23 you were run for the West and you can't get a Western person to
24 go, that will then carry over, that call list will keep on
25 running automatically into the Central area, the closest area,

1 until someone takes it.

2 Q. Do you have any authority to cancel a scheduled job?

3 A. No. The expectation is that if you're seeing
4 something unsafe, you're going to stop that job, you're going
5 to hit pause, you're going to make everyone stand down. But in
6 terms of canceling a planned job, which can involve a lot of
7 capital investment and lots of planning in the background,
8 that's coming from the day supervisor or above.

9 And that's the same expectation for the field. If
10 the field sees something going awry, they have every right, and
11 they're told all the time that they stop it. But in same case
12 [sic], the actual decision to cancel that job comes from higher
13 management.

14 Q. Has a shift supervisor ever changed your work
15 schedule?

16 A. No.

17 Q. Or your hours?

18 A. No.

19 Q. Does he have the authority to do that?

20 A. He does not. It's day supervisor.

21 MR. YOUNG: One moment.

22 (Pause.)

23 MS. RUGGIERO: Jeff, while you're getting your
24 exhibits on the screen, can we just take a two-minute break?

25 HEARING OFFICER DURYEA: Yeah. Yeah, let's take a

1 two-minute break. Let's go off the record and come back in two
2 minutes.

3 (Whereupon, a brief recess was taken.)

4 HEARING OFFICER DURYEA: Back on the record.

5 DIRECT EXAMINATION (continued)

6 (Petitioner's P-27 marked.)

7 BY MR. YOUNG:

8 Q. Brendan, I'm showing you know what's been marked for
9 identification as Petitioner Exhibit 27. Do you see that?

10 A. I do.

11 Q. And can you identify that for the record?

12 A. It -- yeah, looks to me to be the collective
13 bargaining agreement between NSTAR, via Eversource, with the
14 Transmission Operators at NSTAR.

15 Q. And is NSTAR part of -- or where is NSTAR based, if
16 you know?

17 A. Yeah, NSTAR is the Boston area, basically.

18 Q. And are NSTAR part of Eversource Energy?

19 A. That is correct.

20 Q. And that's a different subsidiary from the New
21 Hampshire?

22 A. Yeah, it's similar to PSNH and Eversource, correct.

23 Q. Do you know whether the shift supervisors or their
24 equivalent are covered by the collective bargaining agreement
25 between NSTAR and Eversource?

1 A. As far I know --

2 MS. RUGGIERO: Objection.

3 THE WITNESS: -- they are.

4 MS. RUGGIERO: Objection. We haven't evaluation
5 established that that position exists at NSTAR.

6 HEARING OFFICER DURYEA: Sustained.

7 MR. YOUNG: Go off for a minute, please?

8 HEARING OFFICER DURYEA: Sure. Off the record.

9 (Whereupon, a brief recess was taken.)

10 HEARING OFFICER DURYEA: Back on the record.

11 DIRECT EXAMINATION (continued)

12 BY MR. YOUNG:

13 Q. Brendan, there's been some testimony about training
14 to serve the restoration coordinator in the event of a major
15 emergency or blackout. Are you trained to do that?

16 A. Yes.

17 Q. How often are you trained to do that?

18 A. Yeah. So we mentioned in previous testimony, I think
19 we brought up cycle training, so that's -- it used to be four
20 times a year, but I think now it's three. It's basically
21 dedicated time where we go through various topics and one of
22 those weeks is fully dedicated to restoration training. So
23 it's once a year.

24 Q. And do you attend that full week of restoration
25 train -- of training?

1 A. Yeah. So Level I operator, Level II, shift
2 supervisors all attend that training.

3 Q. And there was testimony or questions about whether in
4 the course of that training whether the shift supervisor
5 actually, sort of in a role playing kind of thing, assumes the
6 responsibility of the restoration coordinator. Do you recall
7 that?

8 A. I do.

9 Q. Do you, in the course of your training also role play
10 or you know, to prepare, have an opportunity to serve as the
11 restoration coordinator?

12 A. I do.

13 Q. Have you, in fact, done that?

14 A. Yes.

15 Q. I'm sorry, I didn't hear your answer.

16 A. Yes, I have acted as the RC during restoration
17 training.

18 Q. Okay. Do you know whether, to your knowledge, the
19 shift coordinators have any different training than you do for
20 serving as the restoration coordinator?

21 A. No. The shift supervisors have no different training
22 in terms of serving as the RC.

23 Q. And I think there was testimony that fortunately
24 there's never been a need to go to the restoration coordinator,
25 but if there were a need, would you be competent to do so?

1 A. Yes. We have -- New England has never blacked out,
2 thankfully, and yes, I do feel comfortable stepping into that
3 position because I'm fully trained.

4 Q. Would the other -- are the other operators trained,
5 as well?

6 A. Yes. The Level I's are in the training, but it would
7 most likely be a Level II in that case taking that position, if
8 the shift supy was unavailable.

9 MR. YOUNG: I think that's all I have for Mr. von
10 Koss. I want to quickly look through my notes but since we
11 wanted to go, Eric can talk with someone else, I'll -- and
12 Angela needs time to make -- makes sense to break here.

13 HEARING OFFICER DURYEA: Yeah. I think this is a
14 good time to break. So it's coming up on 11:00 right now. I -
15 I'm not sure how long it's going to take me, but I propose that
16 we come back at 11:30. Is that all right with everybody?

17 MS. RUGGIERO: Can I make a recommendation?

18 HEARING OFFICER DURYEA: Sure.

19 MS. RUGGIERO: My -- my cross of Mr. von Koss is
20 not -- I don't anticipate it to be very long, so --

21 HEARING OFFICER DURYEA: Okay.

22 MS. RUGGIERO: -- if I -- if we take like a five to
23 10-minute break, come back, I'll do my cross, and that -- I
24 mean, I don't know what time you guys want to break for lunch,
25 but then maybe at that point we break for lunch and then I can

1 check in with my paralegal and see where we are with the
2 document production.

3 HEARING OFFICER DURYEA: Yeah.

4 MS. RUGGIERO: And at the same time, you can check
5 in. Does that make sense?

6 HEARING OFFICER DURYEA: Okay.

7 MR. YOUNG: Just, we're off the record right now,
8 right?

9 HEARING OFFICER DURYEA: We're still on the record.

10 MR. YOUNG: Can we go off the record?

11 HEARING OFFICER DURYEA: Sure. Let's go off the
12 record.

13 (Whereupon, a brief recess was taken.)

14 HEARING OFFICER DURYEA: Back on the record.

15 All right, so Mr. Young has said that he is finished
16 with direct on Mr. von Koss.

17 Ms. Ruggiero, do you have any cross-examination?

18 MS. RUGGIERO: Yes.

19 HEARING OFFICER DURYEA: All right, you can proceed.
20 Let's -- do we have Mr. von Koss here? Yes, we do. All right.

21 CROSS-EXAMINATION

22 BY MS. RUGGIERO:

23 Q. So Mr. von Koss, just by way of cleanup in the
24 record, you're currently employed by PSNH, doing business as
25 Eversource Energy; is that correct?

1 A. Correct. Paychecks come through Connecticut.

2 Q. Okay. I'm going to show you what I have just sent
3 out as Company Exhibit 22 for ID, and that is OP-26. Are you
4 familiar with this document?

5 MR. YOUNG: Hold on, I didn't --

6 MS. RUGGIERO: You didn't get it?

7 MR. YOUNG: I didn't know you -- I don't know if I
8 got it or not, but I didn't know that you had sent additional
9 exhibits, so I haven't had a chance to look at them.

10 MS. RUGGIERO: Then you know what, I -- we'll do
11 this; I won't question him on it. I can do it on rebuttal, if
12 you want, and give you time --

13 MR. YOUNG: Okay.

14 MS. RUGGIERO: -- over the lunch break. Okay.

15 MR. YOUNG: Thanks.

16 MS. RUGGIERO: Yeah. So let's --

17 MR. YOUNG: I didn't realize you had sent something
18 additional.

19 MS. RUGGIERO: No worries. Okay.

20 BY MS. RUGGIERO:

21 Q. Okay, Mr. von Koss, you testified earlier that on one
22 occasion in October or November of 2022 you worked as an RSS;
23 is that your testimony?

24 A. Yes. Towards the end of last year when I was working
25 on a team with Richard Murphy, who was the normal shift

1 supervisor, I did fill in for him as shift supervisor.

2 Q. So it's -- okay, so you were essentially upgraded to
3 an RSS when Mr. Murphy was out sick?

4 A. I was asked to cover as a shift supervisor while
5 Richard Murphy was sick for the day, correct.

6 Q. Okay. Was it the whole shift?

7 A. Correct, from start to finish.

8 Q. Do you know if it was a dayshift or an overnight
9 shift?

10 A. Yeah, it was a dayshift. I don't know -- I think it
11 was Thursday or a Friday. It was not over the weekend, it was
12 during the week because we had all our -- we had our normal
13 complement of supervisors, and they -- they were the ones that
14 said, hey, we need you to step in.

15 Q. Okay. And are you aware that as an RSS there's an
16 obligation to sign in and sign out of the shift change log?

17 A. Yeah. So we have two methods of officially signing
18 in for the day, in whichever role. You have your iTOA, which
19 is what we use for switching orders, and then you have that
20 shift turnover sheet we've been talking about.

21 Q. So when you say that you were functioning as an RSS,
22 did you sign in and sing out of the shift change log?

23 A. I believe so. But I mean, I -- that was, you know,
24 months ago.

25 Q. Okay. You stated during your direct testimony that

1 there are occasions when an RSS will step out, either, you
2 know, for a bathroom break or they go into the galley or they
3 go into the kitchen, et cetera. It's true, is it not, that
4 there's actually an alarm in the lunchroom, such that if there
5 is an emergency someone who has stepped away will be notified
6 of that?

7 A. That is not true. There is a alarm panel, but there
8 is not an audible alarm.

9 Q. It's a visual alarm; correct?

10 A. Visual alarm. So would have to be actually looking
11 up at the -- at the screen to know there was something actually
12 going on, which I mean, it's not like there's screens around
13 the entire galley. And also, you could be -- maybe you're
14 outside the secure area entirely; you're taking a personal
15 phone call, there's -- it's not like you're 100 percent going
16 to be notified right away.

17 Q. Um-hum.

18 A. I mean, as a courtesy, we might poke our head outside
19 the Control Center and say, hey Aaron, we got a big one, but
20 that doesn't necessarily happen every time.

21 Q. Okay.

22 MS. RUGGIERO: And I'm -- I may be done, if I can
23 just have two minutes?

24 HEARING OFFICER DURYEA: Okay. Shall we go off the
25 record for a couple minutes? Yeah, let's go off the record for

1 two minutes. Let's be back in two minutes.

2 (Whereupon, a brief recess was taken.)

3 HEARING OFFICER DURYEA: Back on the record.

4 MS. RUGGIERO: I have nothing further for this
5 witness.

6 HEARING OFFICER DURYEA: All right. Mr. Young, do
7 you have any redirect?

8 MR. YOUNG: Briefly, yes.

9 REDIRECT EXAMINATION

10 BY MR. YOUNG:

11 Q. Brendan, you said that you could have to take over
12 for the shift supervisor if the shift supervisor was in the
13 galley. There is a, I gather, a visible but not an audible
14 alarm in there; is that correct?

15 A. Yeah. It's basically a readout of our alarm screen
16 that -- correct, it's visible, non-audible.

17 Q. Okay. Is there a -- if the shift supervisor is in
18 the bathroom, is there anything there?

19 A. No.

20 Q. How about in the cafeteria?

21 A. The cafeteria is where the alarm panel is.

22 Q. That's where it is, okay. Thanks.

23 MR. YOUNG: Nothing else.

24 MS. RUGGIERO: I have nothing further.

25 HEARING OFFICER DURYEA: All right. Let's see, so

1 why don't we take a break.

2 Do you have -- where are we going next? Mr. Young,
3 do you have any other witnesses?

4 MR. YOUNG: No.

5 HEARING OFFICER DURYEA: Okay. All right, and Ms.
6 Ruggiero --

7 MR. YOUNG: Oh, well, hold on. That's not --

8 HEARING OFFICER DURYEA: Oh, I'm sorry.

9 MR. YOUNG: It's not my witness, but I want to recall
10 Mr. Dickie, so to the extent --

11 HEARING OFFICER DURYEA: Oh, I see.

12 MR. YOUNG: -- you're asking me if I have any other
13 witnesses --

14 HEARING OFFICER DURYEA: I see. Okay. All right, so
15 let's take a break. It is 11:35 right now. How long of a
16 break do people need? Would 30 minutes be sufficient?

17 MS. RUGGIERO: I think so.

18 MR. YOUNG: Could we get an update about the
19 subpoena?

20 MS. RUGGIERO: Yeah.

21 MR. YOUNG: Or you didn't have a chance because we
22 had a very short break --

23 MS. RUGGIERO: Well, I haven't looked into it yet. I
24 mean, my goal was during the lunch break to call --

25 MR. YOUNG: Okay.

1 MS. RUGGIERO: -- and ask.

2 MR. YOUNG: Okay.

3 HEARING OFFICER DURYEA: Why don't we --

4 MR. YOUNG: Okay.

5 HEARING OFFICER DURYEA: Why don't we handle that off
6 the record. And go off the record right now.

7 (Whereupon, at 11:35 a.m., a luncheon recess was taken.)

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A F T E R N O O N S E S S I O N

(Time Noted: 12:42 p.m.)

HEARING OFFICER DURYEA: Back on the record.

Okay, while we were off the record, we talked again about some exhibits that the parties are agreeing to be received, and the court reporter has these. And so the exhibits that I'm receiving are Company Exhibit 22, Company Exhibit 23, and Petitioner Exhibit 28.

Is that -- did I get that correct?

MS. RUGGIERO: Yes.

MR. YOUNG: Yeah.

HEARING OFFICER DURYEA: All right, so those are received.

(Employer's E-22 and E-23 marked and received.)

(Petitioner's P-28 marked and received.)

MR. YOUNG: I wanted -- I don't know if it's necessary, but I wanted to stipulate that Petitioner Exhibit 28 was the org chart that was in existence prior to the date of the filing of the representation petition.

MS. RUGGIERO: We'll stipulate to that.

HEARING OFFICER DURYEA: Yeah, okay. Great. Perfect.

MS. RUGGIERO: Yeah.

HEARING OFFICER DURYEA: Okay, so that stipulation is received.

1 Okay, so let's see, I think we were continuing with -
2 - where were we? Who's up for witness right now?

3 MS. RUGGIERO: I think Jeff was putting Mr. Dickie
4 back on the stand.

5 MR. YOUNG: Yeah, I --

6 HEARING OFFICER DURYEA: Okay.

7 MR. YOUNG: The only question I had -- we're still
8 off the record?

9 HEARING OFFICER DURYEA: We're back on the record.
10 Do you want to go off the record?

11 MR. YOUNG: Yes, please.

12 HEARING OFFICER DURYEA: Okay, let's go off the
13 record again.

14 (Whereupon, a brief recess was taken.)

15 HEARING OFFICER DURYEA: Back on the record.

16 Okay, Ms. Ruggiero, do you have a rebuttal witness?

17 MS. RUGGIERO: I do. The Company calls David
18 Cloutier.

19 HEARING OFFICER DURYEA: Okay, I see Mr. Cloutier is
20 with us. Mr. Cloutier, if -- could you raise your right hand
21 for me? I don't see you on the screen; let me see if I can get
22 my gallery view here. Yes.

23 (Whereupon,

24 DAVID CLOUTIER,
25 was called as a witness and, after having been duly sworn, was

1 examined and testified as follows:)

2 HEARING OFFICER DURYEA: All right, that was a yes?
3 I'm not sure I heard your answer.

4 MS. RUGGIERO: Can't hear you, Dave.

5 MR. YOUNG: Can't hear him.

6 COURT REPORTER: He might be double-muted.

7 THE WITNESS: How about that?

8 HEARING OFFICER DURYEA: Yeah, we can hear you now.

9 THE WITNESS: Sorry. I had to switch the mic. Yeah,
10 I do. Yes.

11 HEARING OFFICER DURYEA: All right. So if you would
12 state your name and spell it for the court reporter, please.

13 THE WITNESS: David Cloutier, D-a-v-i-d, C-l-o-u-t-i-
14 e-r.

15 MS. RUGGIERO: Sounds like an airplane.

16 COURT REPORTER: I'm sorry, yeah, I'm not sure what
17 kind of microphone you're using, but there's too much
18 background distortion. Do you have earphones? Earbuds?

19 THE WITNESS: (No audible response.)

20 MS. RUGGIERO: Now we can't hear you at all.

21 (Pause.)

22 COURT REPORTER: Is he frozen on your side, as well?

23 HEARING OFFICER DURYEA: Yeah. I lost his --

24 COURT REPORTER: Okay.

25 HEARING OFFICER DURYEA: -- his video.

1 COURT REPORTER: Oh, yeah, I just lost his video.

2 THE WITNESS: All right, how about now?

3 MS. RUGGIERO: Yes.

4 COURT REPORTER: Perfect.

5 THE WITNESS: I had to come off my docking station.

6 I'm not sure what the issue was.

7 HEARING OFFICER DURYEA: Okay.

8 MS. RUGGIERO: So but now let me ask you a question;
9 are you still on a computer or are you on your phone?

10 THE WITNESS: I am on my computer.

11 MS. RUGGIERO: Okay. Very good.

12 THE WITNESS: So again, David Cloutier, D-a-v-i-d, C-
13 l-o-u-t-i-e-r.

14 HEARING OFFICER DURYEA: All right, thank you.

15 Ms. Ruggiero.

16 MS. RUGGIERO: Thank you.

17 REBUTTAL DIRECT EXAMINATION

18 BY MS. RUGGIERO:

19 Q. Good afternoon, Mr. Cloutier. Are you currently
20 employed?

21 A. I am.

22 Q. By whom are you employed?

23 A. Eversource Energy, doing business as Public Service
24 New Hampshire. Or the other way around.

25 Q. It's the other way around.

1 A. Yeah.

2 Q. I know, it's confusing. What is your current role?

3 A. I am director of system operations.

4 Q. And as a director of system operations, what are your
5 responsibilities?

6 A. So I oversee both control rooms here in New
7 Hampshire; the ESCC Transmission Control Room, and the SOC
8 Distribution Control Room. As well as the Outage Coordination
9 Group.

10 Q. How long have you had this position?

11 A. I've been in this position since roughly Jan of 2022.

12 Q. And prior to January 2022, were you employed?

13 A. I was. Same company. I was the manager of system
14 operations, and I started that role in approximately May of
15 2016.

16 Q. And as a manager of system operations, what were your
17 job functions?

18 A. I was at that point the manager of just the ESCC
19 Transmission Control Room and also Outage Coordination.

20 Q. Okay. So is that the job currently held by Mr.
21 Dionne?

22 A. Correct.

23 Q. Okay. And prior to that, were you employed?

24 A. I was. I worked at ISO New England for approximately
25 nine years.

1 Q. And prior to that, were you involved -- were you
2 employed in the same industry?

3 A. Depends how you look at it. I was in the Navy and
4 did power generation.

5 Q. Thank you for your service.

6 A. No problem.

7 Q. So how long have you been employed in the energy
8 industry?

9 A. Well, so if you -- if you don't take the Navy into
10 consideration, it was 2007, so it's roughly 15 years.

11 Q. And including the Navy?

12 A. Including the Navy, it would be another nine, so call
13 it 25 years.

14 Q. Okay. All right, so this is the fourth -- is that
15 right, the fourth day of testimony in the current petition.
16 Were you here for the last three days of hearings?

17 A. I was.

18 Q. And were you here for today's testimony, as well?

19 A. I was.

20 Q. Okay. So what I would like to do going forward is
21 I'm going to ask you questions pertaining to testimony that has
22 already been given, okay?

23 A. (No response.)

24 Q. Mr. Rossi testified earlier today. Do you know who
25 Mr. Rossi is?

1 A. I do. He's a rotational shift supervisor in the
2 ESCC.

3 Q. Okay. So does he report through you?

4 A. Ultimately, he reports up to me, correct.

5 Q. Okay. Okay. I'm going to draw your attention to PX-
6 16. I'll share my screen with you. Do you recognize this
7 document?

8 A. I do.

9 Q. Okay. And are you familiar with the document?

10 A. I am.

11 Q. How did you become familiar with the document?

12 A. I'm one of the signatory approvers on the document.

13 Q. Okay. What is the purpose of this document?

14 A. So this -- the entire document or what you have, the
15 attachment on the screen?

16 Q. Well, Attachment C.

17 A. Okay, so Attachment C is kind of a self -- call it a
18 self-study guide for the trainee, right. As it says in the
19 second sentence there, it's to be used by the trainee to
20 prepare for required training events. So this is kind of a
21 self-check list that they would have in their possession. They
22 would go through and say, okay, in two weeks I'm scheduled for
23 this, I want to make sure I'm ready. And to kind of give them
24 a roadmap of how they're going to get from first day on the job
25 to being a qualified operator.

1 Q. And there's a column listed "Complete." Do you see
2 that column over here?

3 A. I do.

4 Q. And there's blank boxes under that. What is your
5 understanding regarding what happens in those boxes?

6 A. My understanding is, is the trainee would initial
7 that off, just to say, yeah, I did this. I'm good. And that
8 way they can look down this attachment and see, here's what I
9 still have left to do in my program.

10 Q. So does Attachment C stay with the trainee?

11 A. Yes.

12 Q. Okay. And It's the trainee's responsibility to
13 maintain that document?

14 A. Correct.

15 Q. And that does not go a training department or to
16 management; is that correct?

17 A. Correct.

18 Q. Okay. Moving to PX-17, which is apparently blank, so
19 let me stop sharing and try to reboot here.

20 HEARING OFFICER DURYEA: Just to clarify, when you're
21 saying "PX" you're meaning Petitioner exhibit?

22 MS. RUGGIERO: Yes, thank you.

23 HEARING OFFICER DURYEA: Okay.

24 MS. RUGGIERO: I think my Adobe just crashed.

25 (Pause.)

1 BY MS. RUGGIERO:

2 Q. All right, let's try it again. Petitioner Exhibit
3 17, okay, so this is what we've been referring to as the Qual
4 card; is that correct?

5 A. Yes.

6 Q. And are you familiar with this document?

7 A. I am.

8 Q. What is the purpose of the document?

9 A. So this is the official signoff document that the
10 operator would go through to become a certified operator.

11 Q. Okay. I'm going to draw your attention to -- this is
12 Page 7, it's Section C.2 -- or Section C. It's the "Personnel"
13 section.

14 A. Um-hum.

15 Q. Now, in this section, there's Subsection 1, which is
16 "Operations Center (audio drop) Supervisor," and Section 2
17 which is "Transmission System Operator."

18 A. Yes.

19 Q. We've been discussing the RSSs or operations system
20 shift supervisors, as they are referred to here; is that
21 correct?

22 A. Correct.

23 Q. And they are in Section 2; is that correct?

24 A. That is correct.

25 Q. And also in Section 2 are the system operations

1 supervisors; is that correct?

2 A. Correct.

3 Q. And we've been referring to them as Level I and Level
4 II operators; correct?

5 A. Correct.

6 Q. All right. And in Section 1, we have the supervisor,
7 electric system control center operations; correct?

8 A. Correct.

9 Q. And that is who we've been referring to as the
10 dayshift supervisors; correct?

11 A. Correct. Yes.

12 Q. Okay. Do you know why the RSSs are separated from
13 the DSSs in this document?

14 A. Yes. Because the RSSs --

15 MR. YOUNG: I'm sorry, hold on. DSSs? I don't see
16 that abbreviation herein.

17 MS. RUGGIERO: So that's the supervisor --

18 MR. YOUNG: Okay.

19 THE WITNESS: Okay.

20 MR. YOUNG: Okay, go ahead.

21 THE WITNESS: Yeah, so they are -- they are separated
22 because the shift supervisor, as it's stated here, and the
23 system operations supervisor are qualified on shift individuals
24 required to complete this Qual card as part of their training.
25 The dayshift supervisor, right, is not a qualified operator

1 that is on shift making real time decisions throughout the
2 system.

3 Historically, and the current state in the Control
4 Room is that we promoted from within and operators become shift
5 supervisors, and then shift supervisors become dayshift
6 supervisors, right. That's -- that's all the people currently
7 filling those roles, that's the case. However, were we to hire
8 externally into the dayshift supervisor position, right, they
9 would not be required to complete the Qual card because they're
10 not qualified onshift personnel making realtime decisions.

11 If we were to hire extenerally for a shift
12 supervisor, they would be required to complete the Qual card
13 because they're going to be onshift making real time decisions
14 for the electric system.

15 MS. RUGGIERO: Okay, thank you.

16 MR. YOUNG: Object, and move to strike that
17 testimony as speculative, since he testified that all the
18 positions right now have been filled by individuals who were
19 already -- the dayshift supervisors were already filled by
20 individuals who were qualified. And there isn't any indication
21 on the record that anyone's been hired externally to fill the
22 position.

23 MS. RUGGIERO: Okay. But that is what he test -- but
24 he tstd -- so he testified that right now all of the dayshift
25 supervisors were hired internally; correct?

1 MR. YOUNG: Right.

2 MS. RUGGIERO: Were hired from within? Well, let --
3 all right, I'll ask some follow-up questions.

4 REBUTTAL DIRECT EXAMINATION (continued)

5 BY MS. RUGGIERO:

6 Q. Mr. Cloutier, the dayshift supervisor -- the
7 employees that are currently in the dayshift supervisor role,
8 have --

9 A. Yes.

10 Q. -- they all been hired from within?

11 A. That is correct.

12 Q. And were they all qualified operators before they
13 were hired as dayshift supervisors?

14 A. That is correct.

15 Q. If we had an opening for a dayshift supervisor, and
16 someone -- and we had an external hire, would that person be
17 required to be a qualified operator in order to hold the
18 position?

19 A. No.

20 MR. YOUNG: Objection. Objection. Calls for
21 speculation.

22 MS. RUGGIERO: I don't -- it doesn't call for -- go
23 ahead.

24 HEARING OFFICER DURYEA: I don't think that it calls
25 for speculation. I think that Mr. Cloutier can testify to

1 the -- well, to the qualifications that would be sought -- that
2 pertain to the dayshift supervisor position, if -- should it
3 need to be filled again. I think he's capable of testifying to
4 that.

5 BY MS. RUGGIERO:

6 Q. Okay, I'm going to turn your attention to Company
7 Exhibit 11, and I need to pull it up again. Okay, this is OP-
8 40. Are you familiar with this document?

9 A. Yes.

10 Q. There was extensive testimony earlier -- not
11 extensive, but there was testimony with Mr. Rossi earlier
12 regarding the shift turnover and a briefing. Is there a
13 difference between a turnover and a brief?

14 A. Yes.

15 Q. What is the difference?

16 A. So the turnover is just as it says, turning over from
17 one individual to the other. You're exchanging information
18 specific to the desk that you're taking over for, and the
19 general information that anyone on shift would be expected to
20 know. Right, once you do that turnover, you relieve that
21 individual. Right, it's discussion.

22 A briefing, just as it states, is right, the group
23 coming together and someone leading the brief saying, here are
24 the system conditions today, here's what's going to happen on
25 our shift, and it's making sure that everyone knows what

1 they're going to be responsible for. And if we have planned
2 jobs where there's, you know, specific items they need to know,
3 right, the shift supervisor needs to make sure that his crew
4 knows those specific actions that need to be taken, and so on a
5 different page, right.

6 That's why they're two different things and they're
7 split into two separate parts of the table, strictly because
8 they are two separate things, right. That they -- you have
9 turnover here, No. 5. And then No. 6, right, the shift brief
10 specifically states within the first hour of the shift to know
11 that, right, this is a separate thing from turnover, can happen
12 once the shift that's been relieved has already left the
13 building, and then once everybody settles in you discuss as a
14 group, okay, here's what I got during my turnover, here's
15 what's coming up this shift and here's what's expected. So we
16 say within the first hour so that -- you know, to give
17 somebody -- give people time to get comfortable, sitting down,
18 open up their systems on the SCADA machines, but not wait six
19 hours, you know, halfway into the shift to hold this brief.

20 Q. Okay. And who is responsible to conduct the shift
21 brief?

22 A. The shift's over -- shift supervisor.

23 Q. And who is accountable if the brief isn't conducted?

24 A. The shift supervisor.

25 Q. Okay. All right, there was testimony regarding

1 making calls to electricians or switchmen to have them into
2 work. Do you recall that testimony?

3 A. I do.

4 Q. And Mr. Rossi testified that the SOC, in certain
5 circumstances, will run a list. Do you recall that testimony?

6 A. Correct.

7 Q. Okay. Who makes the decision whether or not the list
8 should be run?

9 A. So it -- it's a -- the shift supervisor, based on the
10 alarms that he's seeing the Control Room.

11 Q. Okay. Now, there was also testimony regarding field
12 supervisors not agreeing to have their field employees come
13 into work. Do you recall that?

14 A. I do.

15 Q. Can an RSS overrule a field supervisor and order a
16 field employee to come in?

17 A. Yes. Yes, shift supervisors have the authority to
18 upgrade events on the system because they have the entire
19 picture of what's going on. So what -- what may be, you know,
20 one day something that may not need field personnel on site
21 right away because of the system conditions. Right, the next
22 day, the system conditions are different and that may place
23 alarms at a higher priority than they had been the day before.
24 And it's the operator who has that wholistic picture of what's
25 going on.

1 Q. Okay. And focusing back on the SOC, would we always
2 rely on the SOC to run the list if the RSS determined that we
3 needed field employees to respond?

4 A. No. So the SOC is running the list usually for, you
5 know, outages on the distribution system where a lines out of
6 service, we have a customer outage.

7 I know there had been previous testimony where we
8 talked about the 1250 on-call list, right, and in that case
9 we're not going through the SOC. We're reaching out through
10 that on-call list from the ESCC.

11 Q. So someone in the ESCC would reach out directly to
12 field personnel?

13 A. They would use the on-call list.

14 Q. Okay. Okay. All right, turning your attention now
15 to Mr. Rossi's testimony about -- withdrawn.

16 Okay. Turning now to the testimony about an outage
17 that occurred in Laconia that led to discipline for a Mr.
18 Diamond. Do you recall that testimony?

19 A. I do.

20 Q. And are you familiar with the incident that led to
21 the discipline for Mr. Diamond?

22 A. I am.

23 Q. How did you become aware of that situation?

24 A. So we had a -- you know, the event occurred. Any
25 time we have a switching error, you know, it -- as mentioned

1 earlier in testimony, there's a follow-up investigation. So it
2 gets reported up through the chain of command, so I don't
3 remember who specifically told me that, but it likely would
4 have been Marc Dionne because he was reporting to me at the
5 time.

6 Q. And what was the situation? What occurred? What was
7 the switching error?

8 A. Yeah, so you know as mentioned earlier, you know, we
9 take -- for any incident, we take a wholistic approach in our
10 response, right, because every -- every error's different.
11 Unique in the events that lead up to it. Unique in the -- to
12 the person that was on shift. Unique to the error that
13 happened. And then, you know, based on that wholistic
14 response, we determine the outcome. The actions we're going to
15 take based on the results.

16 So for this event, just like any other, we -- we
17 assemble an Incident Analysis Team, which is usually three to
18 four members. Somebody from System Operations if it's our
19 event. Usually someone from Safety Department. And then the
20 third, who's the SME for whatever item was involved. If it's a
21 relay switching error, we'll have someone from the Relay
22 Department. If it's strictly limited to the SCADA displays and
23 it's kind of all internal, we might have a Human Performance
24 Trainer come in and be a member of the team.

25 So through this investigation we determined that the

1 operator was following a properly written and approved
2 switching order and in the course of working through the SCADA
3 switching, lost his focus and opened the incorrect device.

4 Q. And was he disciplined?

5 A. He was.

6 Q. Did you have any involvement in the disciplinary
7 decision?

8 A. I did.

9 Q. Can you explain what your involvement was?

10 A. Yeah, so I was -- I was a member of the investigation
11 team, so I -- I was taking part in interviewing this member.
12 And as someone in his management chain was involved in, you
13 know, figuring out what would happen with this personnel. So
14 when we looked at the operator who was involved, this was, you
15 know, part of a trend of performance issues that this person
16 had had, both, you know, professionalism and his lack of
17 following processes and procedures. So based on the trend that
18 we had seen, it was decided that, right, this individual --
19 there would be action taken against him that was more than we
20 had taken against maybe others in the past on similar events
21 because of this -- these performance issues. So he was removed
22 from shift, his shift -- was removed, and then he had to give
23 some follow training to describe the event.

24 Q. Now, there's been testimony that the RSS that was on
25 shift was not disciplined; is that accurate?

1 A. That is accurate.

2 Q. Why wasn't he disciplined?

3 A. So when we look at, you know, the event itself,
4 right, we look at okay, what was the time that elapsed between
5 the error occurring, him opening the wrong breaker, and the
6 result that happened, which is the customers being de-
7 energized, and as soon as he operated the breaker, the
8 customers were de-energized. It was instantaneous. So given
9 that instantaneous result, we concluded there was no realistic
10 level of oversight that that shift supervisor would have been
11 able to provide and stop that error from occurring.

12 Q. Okay.

13 A. So given that, and the wholistic approach, there was
14 no discipline.

15 Q. Okay. Turning your attention now to the testimony
16 regarding discipline received by Mr. Horning, do you recall
17 that testimony?

18 A. I do.

19 Q. And are you familiar with the event that led to Mr.
20 Horning's discipline?

21 A. I am.

22 Q. How did you become familiar with the event?

23 A. So similar situation before, I would have initially
24 been notified as a member of the reporting chain, and then I
25 was involved in the investigation itself.

1 Q. Did you have any involvement in the disciplinary
2 decision?

3 A. I did.

4 Q. What was that involvement?

5 A. So similar to the last incident, we looked at the
6 events that occurred that day, prior events involving Mr.
7 Horning, and how things transpired and -- and came up with the
8 discipline we gave him.

9 Q. Can you talk about -- you mentioned earlier with --
10 when it came to Mr. Diamond the instantaneous -- the decision
11 making process versus the outcome?

12 A. Yeah.

13 Q. Compare and contrast the Diamond incident with the
14 Horning incident.

15 A. Yeah, so this was a switching error -- a switching
16 event that happened over turnover. The nightshift had started
17 the job and dayshift was finishing it. So from the time that
18 they took the shift on days where Mr. Horning was, to the time
19 that clearance was issued, I think it was somewhere in the
20 neighborhood of an hour and a half, right, so we looked at that
21 as there was time between, you know, the error occurring and
22 the result, which is someone starting work on a line without a
23 proper clearance issued. Right, and that's time for the shift
24 operator to intervene. As part of the interview process, he
25 made the remark to us that he thought it was abnormal what they

1 were doing, turning this job over in the status that it was
2 turned over. Right, so as him being the supervisory person in
3 the room saying I thought it was abnormal, but I didn't take
4 any action to investigate further or stop it, that -- that's
5 what he's there for.

6 Q. Okay.

7 A. So that's why the discipline of Mr. Horning.

8 Q. I see. And you were here earlier when Mr. von Koss
9 testified about a switching error that he was involved with; is
10 that true?

11 A. That is true.

12 Q. Okay. Are you familiar with the incident?

13 A. I am.

14 Q. Are you familiar with the IA?

15 A. I am.

16 Q. All right. So I'm going to put on the screen now --
17 is this the IA that followed Mr. von Koss' switching error?

18 A. It is.

19 Q. Okay. Now, is this typical of what we would see in
20 an IA?

21 A. Yeah. So it -- once the investigation is done, the
22 group -- the team that performed the investigation is going to
23 do a presentation to senior management to discuss their
24 findings. And it's typical that it comes out in a PowerPoint
25 format like this.

1 Q. Okay.

2 HEARING OFFICER DURYEA: Can I just clarify that
3 what -- for the record, that we're on Company Exhibit 23.

4 MS. RUGGIERO: Thank you.

5 BY MS. RUGGIERO:

6 Q. And is this consistent with what Mr. von Koss
7 testified regarding the switching error?

8 A. Yes.

9 Q. Okay. And Mr. von Koss was not disciplined; is that
10 correct?

11 A. That is correct.

12 Q. Were you involved in the decision not to discipline
13 him?

14 A. I was.

15 Q. And why was he not disciplined?

16 A. So as we said, you know, based on the wholistic
17 approach that Mr. von Koss testified to, right, we -- we looked
18 at the event and we saw that there was some improvements in
19 training that we could have come out of this. There was some
20 improvement in oversight that could come out of this. You
21 know, just based on human performance, it's just that, human
22 performance. You have to look at it and not every error that
23 someone commits is worthy of receiving discipline.

24 Q. So turning your attention to the last page of the
25 exhibit, this is 11 -- Page 11 of 11, "Actions to Prevent

1 Recurrence." And the first bullet says, "Shift turnover
2 documentation will be updated to required printed list of the
3 net day out of service and relay work."

4 Does that happen?

5 A. Yes.

6 Q. Okay. The next sentence, "The shift supervisor will
7 assign a responsible person to each switching evolution
8 occurring on their shift."

9 Does that happen?

10 A. It does.

11 Q. Okay. And then there are two other bullet points
12 that had due dates out in the future. Do you know whether or
13 not those were completed?

14 A. Those were completed. And this is, like I said, this
15 was presented to senior management immediately after, so it
16 wouldn't be uncommon to see this, due -- due a future date.

17 Q. Okay. And I think you've already answered this
18 customer, but to be sure, do we discipline people for every
19 switching error?

20 A. We do not.

21 Q. Okay. Okay, Mr. Rossi testified regarding the shift
22 supervisor's ability or inability to change the reporting
23 location of operators. Do you recall that testimony?

24 A. I do.

25 Q. Are you aware of any instances where a shift

1 supervisor changed the reporting location of an operator?

2 A. I am.

3 Q. Can you tell us about that, please?

4 A. Yes, it was earlier this week we had a -- an
5 individual who is off shift currently assigned to a switching
6 and tagging team, and just based on the tasks he's assigned, he
7 has been reporting to an alternate location of 1580 Elm Street,
8 which is just a few blocks away from our control center.

9 So Monday afternoon, the rotational shift supervisor
10 on days looked at the workload for Tuesday and made a call that
11 that person should report to the Energy Park Control Center
12 instead of 1580 to assist in the next day's workload, and he
13 notified one of the dayshift supervisors that he was going to
14 have him report to Energy Park Tuesday instead of 1580 Elm
15 Street.

16 Q. And is that, in fact, what happened?

17 A. Yes.

18 Q. So on Tuesday, where did that operator report to
19 work?

20 A. Energy Park Control.

21 Q. And where was he scheduled to report?

22 A. 1580 Elm Street.

23 Q. Okay. All right, so turn your attention now to
24 Company Exhibit 22, this is OP-26. There was testimony
25 regarding evacuations and what happens during an evacuation.

1 What is your understanding as to -- Adobe crashed again.

2 (Pause.)

3 BY MS. RUGGIERO:

4 Q. Let's try it again, okay, what is your understanding
5 as to a shift supervisor's ability to evacuate the Control
6 Room?

7 A. He is the person, you know, as I think it states in
8 this paragraph, right, responsible for the overall
9 implementation of this procedure.

10 And then the next paragraph shows that, you know,
11 he's going to be the one in the room making the decision to
12 implement this and where do they go. And just as it states,
13 right, the nature of the event, current staffing levels, and
14 the duration, he determines where to go.

15 Q. And is -- sorry, go ahead.

16 A. I was just going to say, right, Evac Room is that
17 same facility as 1580 Elm Street.

18 Q. Okay. And is there any distinction made in this
19 procedure regarding whether or not the evacuation is occurring
20 during the day or at night?

21 A. No, there is not.

22 Q. Is there any distinction whether it's during a
23 weekday or a weekend?

24 A. No.

25 Q. Okay. All right, turning your attention now to

1 Company Exhibit 21. This is OP-19. And --

2 MS. RUGGIERO: Can we go off the record for one
3 second? I just want to reboot this because --

4 HEARING OFFICER DURYEA: Sure.

5 MS. RUGGIERO: -- there's clearly something wrong
6 with my Adobe.

7 HEARING OFFICER DURYEA: Yeah. Yeah, let's go off
8 the record.

9 (Whereupon, a brief recess was taken.)

10 HEARING OFFICER DURYEA: Back on the record.

11 REBUTTAL DIRECT EXAMINATION (continued)

12 BY MS. RUGGIERO:

13 Q. Okay, turning your attention to Company Exhibit 21,
14 this is OP-19, there was testimony by Mr. Rossi related to a
15 shift supervisor's ability or inability, as he stated, to
16 cancel or make changes to planned jobs. Do you recall that
17 testimony?

18 A. I do.

19 Q. Okay. Are you familiar with this document, OP-19?

20 A. I am.

21 Q. And does this speak to the testimony that Mr. Rossi
22 gave regarding the ability to cancel or make changes to jobs?

23 A. Yes, I -- I believe it speaks that does have that
24 authority.

25 Q. All right. And specifically, this is Page 11; is

1 this what you're referring to?

2 A. I am.

3 Q. Okay. And that says that "Discuss the results of the
4 next day's study on the nightly call with ISO New England.
5 Coordinate with ISO New England to resolve and SOL exceedances
6 and adjust planned outages, if necessary."

7 So who is -- who is given the authority to do this?

8 A. So the next day's study, right, is a NERC requirement
9 to take a look at the next day's load, outages, generation
10 patterns, basically the status of the system. What is it going
11 to be tomorrow? We do that study to see if the planned work is
12 going to cause any overloads or loss of load or any adverse
13 condition that would violate this procedure, OP-19, or one of
14 the NERC Reliability Standards.

15 Right, so once we finish that study, we'll have this
16 call with ISO New England, who's also doing a parallel study.
17 Not normally ours. Our software includes the distribution
18 system model, so it's usually more accurate than ISO New
19 England. And it may be more restrictive, meaning show worse --
20 showing worst results than ISO, and then it's another
21 reliability standard that we follow the most conservative
22 results. So if we saw something wasn't reliable that they
23 didn't, we would go with our model.

24 Q. And when you say -- oh, go ahead. Sorry, didn't mean
25 to cut you off.

1 A. Oh, no, no. So this study is performed by the system
2 operator, reviewed by the shift supervisor, and then this
3 nightly call with ISO New England, the system operator and the
4 shift supervisor are on this call together. And the reason for
5 that is so that the shift supervisor, right, can review any
6 reliability issues that may be coming with tomorrow's work, and
7 if necessary, right, cancel and outage. We would not -- we
8 would not start an outage if it was going to create a
9 reliability issue. That's the purpose of this study.

10 Q. And when you say the system operator is on the call,
11 is it any system operator?

12 A. Usually, the one who's assigned to the security desk
13 for that day.

14 Q. Okay. So if while on that call the shift supervisor
15 determines there's going to be a problem with load for the next
16 day, what does he do? Or what can he do?

17 A. So if it's -- right, if it's a -- if it's created by
18 a job that we have already started to plan to start, right, I
19 would say he has the authority and really the responsibility
20 based on the NERC standards to not start the work if it hasn't
21 started yet, or recall the line to put it back in service if
22 it's going to create a problem.

23 Q. Okay. Does have to talk to anybody about -- does he
24 need to get permission from anyone --

25 A. No.

1 Q. -- to do that?

2 A. No.

3 Q. Okay. So there was some discussion about Mr. Horning
4 a little while ago, and he was involved in a switching incident
5 in 2020; correct?

6 A. Correct.

7 Q. For which he was disciplined?

8 A. Correct.

9 Q. Do you recognize this document? This is Company
10 Exhibit 20.

11 A. Yes. That's Curt Horning's 2020 Annual Review.

12 Q. Okay. And following -- what -- do you know when the
13 switching incident was?

14 A. June or July, I believe. It would be on the -- it
15 would be on his letter that he received, but June or July time
16 frame roughly.

17 Q. Actually, I'm going to switch to the Petitioner
18 Exhibit 26. Okay, do you recognize this document?

19 A. I do.

20 Q. Okay. So fair to say this is mid-year review --

21 A. Correct.

22 Q. -- of Mr. Horning?

23 And what was his rating on his mid-year review?

24 A. Below target.

25 Q. Okay. Did you have any input into his rating?

1 A. Yes. I would have input as far -- usually with any
2 operator, the rating is what I would have the input into.

3 Q. Okay. And so you -- you had input into the -- is
4 that what you said, you did have input into this --

5 A. That's --

6 Q. -- rating?

7 A. That's correct.

8 Q. Okay. And what was your input into giving him a
9 below target rating?

10 A. Was that this -- this performance error had just
11 occurred, right, and through the investigation it was
12 determined that he wasn't proper oversight. That, and during
13 the investigation, you know, he was -- his attitude was not
14 what we would expect of a shift supervisor, right. He was not
15 taking ownership for this error, right, and was essentially
16 blaming the system operator that was on shift. You know,
17 thinking the system operator on shift should take 100 percent
18 of the blame. So for anyone in the leadership position, right,
19 that is not leadership behavior.

20 Q. So turning now to Company Exhibit 20, this would be
21 the year-end review --

22 A. Correct.

23 Q. -- for the same time -- the same year? Okay.

24 And his -- what was his evaluation or his rating
25 here?

1 A. He is a successful contributor here.

2 Q. All right. So fair to say he turned things around
3 between the midyear and the year-end?

4 A. Correct.

5 Q. All right. Now, this section down below, "Employee
6 Overall Evaluation," do you know who wrote this? And let me
7 scroll back up, I apologize.

8 So the top of it is the "Manager Overall Evaluation."

9 A. Correct.

10 Q. Okay. And do you know who wrote that?

11 A. That would be Marc Dionne.

12 Q. Okay. And scrolling down to the "Employee Overall
13 Evaluation," do you know who wrote that section?

14 A. That's Mr. Horning.

15 Q. And I would like to draw your attention to this -- I
16 can't highlight it -- the sentence right here, "I feel that we
17 as a management team have had a very successful year."

18 That is what Mr. Horning wrote; is that correct?

19 A. That's correct.

20 Q. Okay. And turning to the second page under the
21 "Human Performance" section, under the "Employee Evaluation"
22 section again, who wrote the employee evaluation?

23 A. That's Mr. Horning.

24 Q. And Mr. Horning refers -- he writes, "One of my
25 subordinates had a human performance error this year."

1 Arguably, he's referring to the individual on his
2 team who had the switching error?

3 A. Correct.

4 Q. Okay. And turning to the last page, again, in the
5 "Employee Evaluation" section, who wrote this section?

6 A. That would be Mr. Horning.

7 Q. And it states, "I was told this year by one of my
8 employees that I was the best supervisor he had ever worked
9 for."

10 So Mr. Horning wrote that in his annual review;
11 correct?

12 A. That's correct.

13 Q. Okay.

14 MS. RUGGIERO: If I can have just a moment, I might
15 be done.

16 HEARING OFFICER DURYEA: All right.

17 (Pause.)

18 HEARING OFFICER DURYEA:

19 BY MS. RUGGIERO:

20 Q. Oh, there was testimony about the Dale Carnegie
21 supervisor school or supervisor training. Do you recall that?

22 A. I do.

23 Q. Do you know when the Dale Carnegie training was
24 offered?

25 A. It was late 2020, early 2021 time frame, potentially.

1 Q. So was that prior to Mr. Rossi's becoming an RSS?

2 A. Yes, I believe so. Aaron -- Mr. Rossi testified it
3 was about a year and seven months that he had been an RSS, so
4 that would be late 2021, so it was you know, kind of early 2021
5 at the latest is my recollection that the Dale Carnegie was
6 offered.

7 Q. So fair to say he would not have been offered that
8 training because he was not an RSS when the training was
9 offered; correct?

10 A. That is correct.

11 Q. Okay. Do we continue to offer that training now?

12 A. We didn't offer it as a group. You know, we always
13 continue to look at training opportunities that are out there,
14 and we may not -- if a new training opportunity comes up, we'll
15 offer a new training opportunity, but we don't in perpetuity
16 offer as a group to everyone.

17 Q. Okay. Mr. Rossi also testified -- or it might have
18 been Mr. von Koss, there was testimony regarding a shift
19 supervisor's inability to promote an operator. Do you recall
20 that testimony?

21 A. I do.

22 Q. Do you agree with that testimony?

23 A. I do not.

24 Q. Why not?

25 A. So they give input frequently into whether or not an

1 operator should be or should not be promoted. And we had an
2 instance earlier this year where a shift supervisor gave input
3 that an operator was not ready to become an SOS II. And based
4 on that feedback, we waited approximately two months to move
5 forward with qualifying this operator -- he could be kind of
6 upgraded on shift.

7 HEARING OFFICER DURYEA: Can we get more details on
8 this if you're not planning on asking -- you know, sort of date
9 and who -- what individual's we're talking about?

10 THE WITNESS: Yes. Was that to me?

11 BY MS. RUGGIERO:

12 Q. Yeah, go ahead.

13 A. Oh, yeah, yeah. So the shift supervisor name was
14 Matt Urie, and the operator was Loren Scott. And this is, you
15 know, typical of what -- what happens when somebody comes to
16 the end of the Qual card and it's nearly completed, we will
17 seek the input of the shift supervisor whose been on the
18 rotating shift with this person for, you know, several months.
19 Potentially -- potentially six to nine months, depending if
20 they stayed in the same crew the whole time. It said, you
21 know, based on your experience what this individual's
22 performance has been and their knowledge, do you feel they're
23 ready to become qualified a OS II, and in this scenario the
24 response was no, he still needs some more upgrade training
25 prior to moving forward.

1 Q. And --

2 HEARING OFFICER DURYEA: And around when was this?

3 THE WITNESS: Sorry, ask that again?

4 HEARING OFFICER DURYEA: Yeah. Around when did this
5 happen?

6 THE WITNESS: It was in the January time frame. So
7 this -- and this -- but this operator is now just become
8 qualified within the last couple of weeks. So it would have
9 been around the January, February time frame. Maybe December
10 or January. December, January, just rough. Rough.

11 HEARING OFFICER DURYEA: Okay, thank you.

12 BY MS. RUGGIERO:

13 Q. So in that instance, the operator had completed his
14 Qual card; correct?

15 A. Except for the -- the final signoff --

16 Q. Right.

17 A. -- signatures.

18 Q. And it -- the dayshift supervisor sought the feedback
19 from the shift supervisor? Or the manager? Who sought that
20 information?

21 A. I'm not -- most likely the dayshift supervisor. It
22 could have been both.

23 Q. Okay.

24 A. One of those -- one of those two positions
25 definitely.

1 Q. But they relied on the feedback from the shift
2 supervisor in delaying the promotion of the operator?

3 A. That is correct.

4 Q. Okay.

5 (Pause.)

6 MS. RUGGIERO: That's all I have.

7 HEARING OFFICER DURYEA: All right. Mr. Young, do
8 you have some cross?

9 MR. YOUNG: I would like about 10 to 15 minutes,
10 please. I need to talk to my client.

11 HEARING OFFICER DURYEA: Okay. So let me see, it's
12 1:32 right now. Would -- why don't we -- do you want to come
13 back at 1:50?

14 MR. YOUNG: Sure.

15 HEARING OFFICER DURYEA: Okay, all right, 1:50.
16 We'll be back. Off the record, please.

17 (Whereupon, a brief recess was taken.)

18 HEARING OFFICER DURYEA: Back on the record.

19 All right, Mr. Young, would you like to cross-
20 examine?

21 REBUTTAL CROSS-EXAMINATION

22 BY MR. YOUNG:

23 Q. Good afternoon, Mr. Cloutier. Mr. Cloutier, you gave
24 us your job history, but you have never worked as an operator
25 at Eversource; correct?

1 A. That is correct.

2 Q. And you've never worked as a shift supervisor at
3 Eversource, either; is that correct?

4 A. That is correct.

5 Q. Okay. Now, you testified about the Petitioner
6 Exhibit 16, that's the training modules. Do you remember
7 testifying about that?

8 A. I do.

9 Q. And your testimony was to the effect in the box where
10 it says "Completed," that that's just a guide for the trainee
11 to know what he or she needs to complete. Did that -- is that
12 what your -- the testimony is?

13 A. That's correct.

14 Q. Okay. Do you whether -- when the trainee is -- who
15 actually initials the boxes in the form that a certain function
16 has been completed?

17 A. Are we referring to Attachment C? I guess --

18 Q. Yes.

19 A. -- if we can put it --

20 Q. Do you want me to put it up for you, sir?

21 A. Yeah, just to make sure we're talking the same.
22 Yeah.

23 Q. Yeah. Sure. That's fine.

24 MR. YOUNG: Angela, this is my exhibit, right?

25 MS. RUGGIERO: Yeah. Yeah. PX-16. Yes.

1 BY MR. YOUNG:

2 Q. Do you see now, sir --

3 A. Yes. Yeah.

4 Q. -- Exhibit 16? And looking at Page 1, there's these
5 boxes that says "Complete." All those functions have to be
6 completed before an individual is ready to work as an operator;
7 correct?

8 A. Well, so this is a -- this is a, you know, I would
9 say an unofficial tracking form for the trainee, right, and
10 that's why they sign off on it. This is not an official record
11 or retained, so --

12 Q. Okay.

13 A. -- this is --

14 Q. I don't mean to cut you off, but I think you've made
15 your testimony clear. Your testimony is that that box
16 "Complete" is something that's just used as a guide by the
17 trainee, and it's not something that is signed off on by an
18 operator or shift supervisor or a day supervisor before the
19 person can move from being a trainee to a operator?

20 A. Yes, that is the intention of this form. But since
21 they're not retained, I don't -- I haven't seen it done
22 otherwise.

23 Q. Okay. So you don't one way or the other how the form
24 is actually used? It's you think that it's used in order for
25 the trainee to know what he or she needs to complete?

1 A. As stated in the first paragraph, it's used by the
2 trainee.

3 Q. That's your understanding; correct?

4 A. Yes.

5 Q. Okay. Withdrawn. Okay. Now, let's look at the next
6 document, which is the Qual card. Do you have Exhibit 17 up
7 there now?

8 A. Yes, I see the Exhibit 17.

9 Q. Okay. The -- I believe your store manager was that
10 the -- strike that.

11 In order for an individual to move from an operator I
12 to an operator II, doesn't the dayshift supervisor have to
13 decide whether the individual is ready to do that? It's
14 ultimately the dayshift supervisor's call?

15 A. Ultimately, yes. But as I testified, input --

16 Q. Okay, thank you. I think you've answered my
17 question.

18 You've -- you indicated that the turnover is done
19 sort of person by person, operator to operator, from one shift
20 to the next. Am I characterizing that correctly?

21 A. Yes.

22 Q. Are you sure that it isn't done by everyone, the
23 operators meeting as a group with the shift supervisor and
24 everyone talking to each other?

25 A. Well, I'm not present at every single shift turnover,

1 so I'm not sure that I can answer that 100 percent. But,
2 right.

3 Q. Okay. You testified about a shift supervisor being
4 able to overrule a field supervisor and call in personnel; is
5 that your testimony?

6 A. That is my testimony.

7 Q. Okay. Are you -- can you think -- can you give us
8 even a single instance of when that's happened?

9 A. Off the top of my head, yes. I would have to go back
10 for the evidence; however, one procedure that I -- I don't know
11 if it's in the record or not, so I'm not sure how you want
12 to -- how -- if I should -- can still talk to it?

13 Q. Well, can you give me a specific instance of when a
14 supervisor -- shift supervisor overruled a field supervisor and
15 called personnel in?

16 A. Yeah. So we have a RTU priority procedure that
17 describes, you know, certain substations have to be staffed
18 24/7. If the RTU is out of service, then others can remain
19 unstaffed, and I believe we've had instances where there was
20 one that was -- priority that was not requiring to be staffed
21 24/7 but as a control center they required it. And that would
22 mean that you're sending someone, based on direction of the
23 Control Center, to a site to sit there until the RTU is
24 restored.

25 Q. That's pursuant to an established procedure; isn't

1 it?

2 A. Say that again?

3 Q. That was done pursuant, if it happened, done to --
4 pursuant to an established procedure; correct?

5 A. Well, the procedure states for these substations,
6 here's the priority. Meaning, if it's a -- I don't remember if
7 it's "1" or "a." There's a subset of -- there's a set of
8 substations where these need to be staffed 24/7 if the RTU is
9 down.

10 There's a lower priority that says these do not need
11 to be staffed 24/7. However, based on real time system
12 conditions, they have the authority to upgrade as deemed
13 necessary.

14 Q. And in doing so, are -- can you recall a single
15 instance where that actually occurred?

16 A. Yes. But I don't recall the -- the date or the
17 specific substation. Just that it has occurred.

18 Q. You're just saying you know it occurred sometime?

19 A. Correct.

20 Q. And so do you know whether in doing that in that
21 particular instance, whether the shift supervisor, before doing
22 that, first checked or had to check with this day supervisor?

23 A. They would not have to check.

24 Q. Do you know whether that was done?

25 A. I do not.

1 MR. YOUNG: One moment, please.

2 (Pause.)

3 BY MR. YOUNG:

4 Q. Do you have up on your screen Exhibit 26, the excerpt
5 regarding Mr. Horning?

6 A. I do.

7 Q. Okay. In this particular situation regarding Mr.
8 Horning, the operator made a mistake; correct?

9 A. That is correct.

10 Q. And scrolling down in the exhibit it says here,
11 that -- well, I'm having the same problem Angela's been having
12 in highlighting. Do you see the paragraph that says "Well, it
13 was a positive that you caught the error." Up about seven
14 lines from the bottom?

15 A. I do.

16 Q. Okay. It says, "You," meaning Mr. Horning, "Failed
17 to call an all stop." See that?

18 A. I do.

19 Q. Now, Mr. Horning, who was disciplined at least in
20 part, because he should have and did not call an all stop;
21 correct?

22 A. Correct.

23 Q. Okay. You said that the other day Mister -- well
24 that a shift supervisor assigned an employee to report to a
25 location other than 1580; correct?

1 A. Correct.

2 Q. Now, the individual who was assigned -- was assigned
3 instead to report to Energy Park; is that right?

4 A. That's correct.

5 Q. Okay. And the person -- were you there when the
6 assignment took place?

7 A. No.

8 Q. Do you know whether the day supervisor was there when
9 the assignment took place?

10 A. The day supervisor was not there when the assignment
11 took place.

12 Q. Do you know whether the day supervisor was called
13 before the individual -- to get his consent before the
14 individual was reassigned from 1580 to Energy Park?

15 A. My understanding is that he was not called.

16 Q. Okay. But you weren't there, so you don't know;
17 correct?

18 A. That's correct.

19 Q. All you know is that the individual in question was
20 sent to Energy Park, whereas he normally would have started
21 working at 1580?

22 A. I know that the -- I know that the dayshift
23 supervisor was notified after the individual was reassigned.

24 Q. Not before?

25 A. Correct.

1 Q. You -- do you know whether the supervisor -- dayshift
2 supervisor -- the day supervisor was Mr. Grady?

3 A. Yes, it was.

4 Q. Okay. And it's your testimony that he wasn't there
5 when the reassignment was made or changed?

6 A. To my knowledge, he was not there.

7 Q. Okay. You testified, sir, about the supposed ability
8 of the shift supervisor to make changes in a job that is either
9 ongoing or scheduled to change for the next day. Do you recall
10 testifying about that?

11 A. I do.

12 Q. Okay. So procedure is that the first step, the --
13 you mentioned the operator. Doesn't the operator who's on duty
14 do some kind of a modeling first?

15 A. So in my testimony, we were discussing the night
16 before study.

17 Q. Right. So --

18 A. It's a study of the system using a software tool.

19 Q. Fine. And that's done by the operator; correct?

20 A. That's correct.

21 Q. And the operator does modeling to try to see what
22 consequences might occur if you go forward with the planned
23 work; correct?

24 A. Correct.

25 Q. And the whole purpose overall of this is to make sure

1 that the system isn't impacted, or customers affected by an
2 outage; correct?

3 A. Correct.

4 Q. Okay. And after the operator does his modeling of
5 what might happen the next day, the operator has a discussion,
6 does he not, with the ISO?

7 A. The operator and the shift supervisor have a
8 discussion with the ISO.

9 Q. Right. Okay, they both have a discussion with the
10 ISO; correct?

11 A. Correct. Yeah.

12 Q. Okay. And if after that discussion with the ISO it's
13 concluded that there is a danger to the system, then the job
14 may be cancelled; correct?

15 A. That is correct.

16 Q. And before cancelling the job for the next day,
17 doesn't this have to be run by the day supervisor?

18 A. No. If the -- if the job for the next day is going
19 to violate reliability criteria, or cause a system issue, it is
20 the shift supervisor's authority and responsibility to prevent
21 that from occurring.

22 Q. Okay. So if -- in other words, if under the
23 standards that are established for making sure that the system
24 is reliable that the job threatens the reliability of the
25 system, and in accordance with those standards the shift

1 supervisor could cancel the job?

2 A. Correct.

3 Q. Okay, thank you. We looked a little bit -- or Ms.
4 Ruggiero asked you some questions about the --

5 MS. RUGGIERO: Can we go off the record? I'm getting
6 an error message on my computer right now.

7 HEARING OFFICER DURYEA: Sure, go ahead.

8 (Whereupon, a brief recess was taken.)

9 HEARING OFFICER DURYEA: Back on the record.

10 REBUTTAL CROSS-EXAMINATION (continued)

11 BY MR. YOUNG:

12 Q. Mr. Cloutier, you -- Ms. Ruggiero showed you some
13 portion of the -- I believe it was the 2020 evaluation for Mr.
14 Horning, the same year that the incident occurred that we just
15 were talking about. Do you recall that?

16 A. Yes.

17 Q. And there was a reference in Mr. Horning's evaluation
18 that he filled out where he referred to someone as his
19 subordinate. Do you recall that?

20 A. I do.

21 Q. Actually, that individual doesn't report, however, to
22 Mr. Horning, does he?

23 A. In the context of what's shown in Work Day, that's
24 correct. But on shift, he reports to Mr. Horning.

25 Q. In terms of the chain of command, the individual

1 would be reporting to one of the day supervisors; correct?

2 A. In terms of the Work Day organizational structure,
3 that's correct. However, on shift he reports to Mr. Horning.

4 Q. Sir, in terms of the chain of command in Exhibit 2,
5 that individual reports to the day supervisor, yes or no?

6 A. In the organizational structures that have been shown
7 on the screen as exhibits, yes.

8 Q. Thank you. You testified that Mr. Rossi came on
9 after the Dale Carnegie -- when I say, "came on," that Mr.
10 Rossi was promoted to a shift supervisor position after the
11 Dale Carnegie training was offered to some of the previous
12 shift supervisors. Mister -- so that the record's clear, that
13 training has never been offered to Mr. Rossi, has it?

14 A. Based on the dates I recall, I don't believe so.

15 Q. You testified about the decision not to move Mister,
16 I think his name was Loren Scott; is that his name?

17 A. Yes.

18 Q. Okay. To move Mr. Scott from a Level I to a Level II
19 supervisor, and the final decision in that regard, though, was
20 made by the day supervisor; correct?

21 A. Because of the input received from the shift
22 supervisor.

23 Q. The final decision was made by the day supervisor;
24 correct?

25 A. Yes. Due to the input received from the shift

1 supervisor.

2 Q. Sir, try it a third time. The final decision was
3 made by the day supervisor, yes or no?

4 A. Yes.

5 Q. Thank you.

6 MR. YOUNG: I would like a few minutes -- maybe five
7 minutes to talk to my client, please.

8 HEARING OFFICER DURYEA: Sure. Do you want to --

9 MR. YOUNG: I think I'm done.

10 HEARING OFFICER DURYEA: Oh, okay. All right. Why
11 don't we -- hang on a second. Let's go ahead and take five
12 minutes, so it is -- let's come back at 2:25.

13 MR. YOUNG: Okay, thank you.

14 HEARING OFFICER DURYEA: Okay. Thank you.

15 (Whereupon, a brief recess was taken.)

16 HEARING OFFICER DURYEA: Back on the record.

17 MR. YOUNG: I don't have any other questions for Mr.
18 Cloutier. Thank you.

19 HEARING OFFICER DURYEA: Any redirect, Ms. Ruggiero?

20 MS. RUGGIERO: Very quick, two or three questions.

21 REBUTTAL REDIRECT EXAMINATION

22 BY MS. RUGGIERO:

23 Q. Mr. Cloutier, when you worked at the ISO, what was
24 your position?

25 A. My final position there was a shift supervisor.

1 Q. Was it a rotating shift supervisor?

2 A. It was.

3 Q. Okay. And going back to the discussion regarding how
4 someone progresses from a Level I operator to a Level II
5 operator, and you stated that the dayshift supervisor has to
6 sign off, does the manager also have to sign off on that?

7 A. Yes.

8 Q. Okay.

9 MS. RUGGIERO: I have no follow-up.

10 HEARING OFFICER DURYEA: All right.

11 MR. YOUNG: Nothing further for Mr. Cloutier.

12 HEARING OFFICER DURYEA: Okay. All right, Mr.

13 Cloutier, you're excused.

14 THE WITNESS: Thank you.

15 (Witness excused.)

16 HEARING OFFICER DURYEA: Okay, and so let's see, so I
17 think that Mr. Young, you wanted to call Mr. Dickie back; is
18 that correct?

19 MR. YOUNG: I don't know. I need time to look at the
20 document. I think --

21 HEARING OFFICER DURYEA: I see.

22 MR. YOUNG: But I do have some very brief
23 surrebuttal.

24 HEARING OFFICER DURYEA: Okay. Do you want to pause
25 so you can review the document?

1 MR. YOUNG: No. I think it makes more sense for me
2 to do the surrebuttal and then look at the document.

3 HEARING OFFICER DURYEA: Okay. Got you. Okay.

4 MR. YOUNG: I'm going to recall Mr. von Koss.

5 HEARING OFFICER DURYEA: All right, Mr. von Koss,
6 I'll remind you that you're still under oath.

7 THE WITNESS: Yes, sir.

8 (Whereupon,

9 BRENDAN von KOSS,
10 having previously been called as a witness and, after having
11 been previously sworn, was examined and testified as follows:)

12 SURREBUTTAL DIRECT EXAMINATION

13 BY MR. YOUNG:

14 Q. Mr. von Koss, you were present or heard the testimony
15 from Mr. Cloutier about the assignment or reassignment of the
16 operator from 1580 to Energy Park; correct?

17 A. Yes, I was here for the testimony.

18 Q. Okay. Do you know whether the day supervisor was
19 called before the operator was reassigned?

20 A. Yes. I was actually in the Control Room working.
21 It's my training week so I came in at 6:30 in the morning on
22 Monday, on the day of the reassignment in question. And I did
23 observe Richard Murphy, the shift supervisor, because the
24 workload was heavy and the amount of people we had in the room
25 was relatively light for the amount of work, he requested from

1 Andy Grady, the day supervisor, to reassign Marshall Diamond
2 from 1580 to Energy Park.

3 Q. Next question, you heard Mr. Cloutier testify about
4 the Petitioner's Exhibit 16, which is that -- I'll call it the
5 checklist for trainees.

6 A. Yes.

7 Q. Did you have a copy of that document when you were
8 becoming a operator?

9 A. Yes. So there -- the form --

10 Q. Let me ask you a question. Let me ask you a
11 question. His testimony was that the -- was this used as a
12 checklist by the trainee? Is that how it was used when you
13 moved from becoming a trainee to a full-fledged operator?

14 A. In my experience, when I was moving from I to II, the
15 checklist was maintained and the actual copy that's maintained
16 was run and used by the Training Department.

17 Q. Okay. Let me -- you were referring to moving from a
18 I to a II, but I was asking you about moving from a trainee to
19 a full-fledged operator, not from a I to a II. Do you need to
20 see the document?

21 A. Oh.

22 Q. Do you want me to put the document up for you?

23 A. Sure. But it's important to note, there is not
24 official trainee position; you just come in as a Level I.
25 You're just not on shift yet.

1 Q. Is that showing?

2 A. Yes.

3 Q. Okay. This is the document I was referring to. The
4 box that's being filled in as "Complete," is that something
5 that you -- this is Petitioner Exhibit 16, is that something
6 you would have filled in an initialed?

7 A. No, the -- the Training Department would have managed
8 this process going through all of these classes and modules.

9 MR. YOUNG: That's all I have, thank you.

10 MS. RUGGIERO: I have a couple questions.

11 HEARING OFFICER DURYEA: All right.

12 SURREBUTTAL CROSS-EXAMINATION

13 BY MS. RUGGIERO:

14 Q. Mr. von Koss, I just want to go back. You had said
15 that it was on Monday morning at 6:30 a.m. that you heard the
16 conversation take place?

17 A. Yeah. It was either 6:30 or a few minutes before or
18 after. It was before the morning 7:00 call, I believe.

19 Q. And how long did you stay in the Control Room that
20 day?

21 A. I think I was there until 2:30.

22 Q. Okay. So are you aware of any conversations then
23 that happened around 4:00 p.m. on Monday?

24 A. No. I would have been gone by then.

25 Q. Okay. So the conversation that Mr. Cloutier referred

1 to in his testimony was actually a reassignment for Tuesday, so
2 you were not privy to any conversation about a reassignment of
3 location that was happening for the following day; isn't that
4 correct?

5 A. That is correct because I was not in the room.

6 Q. Right. So the conversation that you heard pertained
7 to a reassignment of location for Monday; correct?

8 A. That's correct.

9 Q. Not for Tuesday?

10 A. Not for Tuesday. But I did confirm that -- excuse
11 me. I did talk with Marshall Diamond throughout the rest of
12 the week because I was in and out of the Control Room as a part
13 of the scheduled training, and he said that he was directed by
14 Marc Dionne to report to Energy Park for the rest of the week.

15 Q. Okay. But the bottom line is you were not privy to
16 any conversation that happened on Monday afternoon regarding
17 the reassignment of Mr. Diamond for Tuesday?

18 A. No. I only heard the conversation where Richard had
19 to ask Andy Grady to move Diamond from 1580 to Energy Park.

20 Q. On Monday? For Monday.

21 A. Yeah.

22 Q. Okay.

23 MS. RUGGIERO: I have nothing further.

24 HEARING OFFICER DURYEA: All right.

25 MR. YOUNG: Sorry, go ahead, Mr. Duryea.

1 HEARING OFFICER DURYEA: Yeah. Do you still need to
2 be sharing your screen, Mr. Young? You can if you're going to
3 need it for whatever questions you're about to ask.

4 MR. YOUNG: No. Sorry.

5 HEARING OFFICER DURYEA: So do you have some
6 questions, Mr. Young?

7 MR. YOUNG: I have another -- I'm going to recall Mr.
8 Rossi, but I have no other questions for Mr. von Koss.

9 THE WITNESS: Thank you.

10 HEARING OFFICER DURYEA: All right, you're excused,
11 Mr. von Koss. Thank you.
12 (Witness excused.)

13 HEARING OFFICER DURYEA: All right, and so let me
14 see, so Mr. Rossi's here, all right. Mr. Rossi, can I remind
15 you that you're still under oath?

16 THE WITNESS: That is correct, yes.

17 HEARING OFFICER DURYEA: Thank you.

18 (Whereupon,

19 AARON ROSSI,
20 having previously been called as a witness and, after having
21 been previously sworn, was examined and testified as follows:)

22 SURREBUTTAL DIRECT EXAMINATION

23 BY MR. YOUNG:

24 Q. Aaron, in terms of moving an operator from a Level I
25 to a Level II, have you ever written any kind of review or

1 prepared any forms that you provide to any -- anyone else about
2 moving the operator from Level I to Level II?

3 A. I have not.

4 MR. YOUNG: Nothing further.

5 SURREBUTTAL CROSS-EXAMINATION

6 BY MS. RUGGIERO:

7 Q. Have you ever provided any verbal feedback on an
8 operator being progressed from a Level I to Level II?

9 A. I was asked by Marc Dionne how an operator was doing.
10 I said he's doing great. And that was the end of the
11 conversation.

12 Q. Okay.

13 MS. RUGGIERO: I have nothing further.

14 HEARING OFFICER DURYEA: All right. Thank you, Mr.
15 Rossi, you're excused.

16 I'm sorry, Mr. Young, did you have another question?

17 MR. YOUNG: No.

18 HEARING OFFICER DURYEA: Okay.

19 MR. YOUNG: I did not.

20 HEARING OFFICER DURYEA: All right, you're excused,
21 Mr. Rossi, thank you.

22 (Witness excused.)

23 HEARING OFFICER DURYEA: All right, so is now the
24 time that we want to pause for Mr. Young to review the
25 document?

1 MR. YOUNG: Yes, please.

2 HEARING OFFICER DURYEA: Okay. About how long do you
3 think you need?

4 MR. YOUNG: Can we go off the record?

5 HEARING OFFICER DURYEA: Sure. Let's go off the
6 record.

7 (Whereupon, a brief recess was taken.)

8 HEARING OFFICER DURYEA: Back on the record.

9 Okay, so the parties advised me that we are concluded
10 with witnesses, so now we'll talk about some other matters of
11 business.

12 Let's just get final positions on the record. So Mr.
13 Young, what's the Petitioner's final position on -- regarding
14 the unit contentions at issue in this hearing?

15 MR. YOUNG: The Union's position is that the fifth --
16 the shift supervisors do not responsibly direct or assign work,
17 and accordingly aren't statutory supervisors within Section
18 2(11) of the Act, and therefore should be included in the unit
19 with the operators Levels I and II.

20 HEARING OFFICER DURYEA: All right. And is the
21 Petitioner prepared to proceed to an election in any unit found
22 appropriate in the matter?

23 MR. YOUNG: Yes.

24 HEARING OFFICER DURYEA: All right. And Ms.
25 Ruggiero, what is the Employer's final position regarding the

1 unit contentions at issue in this hearing?

2 MS. RUGGIERO: The Employer's final contention is
3 that the shift supervisors are statutory supervisors under the
4 Act, they should be excluded from the unit as they responsibly
5 direct and assign work.

6 HEARING OFFICER DURYEA: All right. Okay, so now
7 let's talk about election details in the event an election is
8 directed. And if an election is directed, it will be scheduled
9 for the earliest date practicable.

10 If an election is directed, does the Petitioner wish
11 at this time -- does the Petitioner, who's entitled to 10 days
12 with the voter list, wish to waive any of that 10 days or any
13 part of it? Which basically just gets you a few days sooner on
14 an election.

15 MR. YOUNG: Yeah, we'll -- we're prepared to waive
16 the -- all together.

17 HEARING OFFICER DURYEA: Okay. And let me see, so
18 now we're going to talk about election details, which we talked
19 about a fair amount off the record, but let's get everything on
20 the record.

21 So I think the first thing that we talked about, and
22 correct me if I'm wrong, is that if an election is directed
23 that Tuesday, Wednesday, and Thursday are the most appropriate
24 and most -- the best days of the week to choose; is that
25 correct?

1 MR. YOUNG: Yes.

2 MS. RUGGIERO: Yes.

3 HEARING OFFICER DURYEA: Okay. And we also
4 discussed, off the record, voting hours and I believe that we
5 agreed -- or that the parties were looking to 2:30 p.m. to 5:30
6 p.m.; is that correct?

7 MS. RUGGIERO: Yes.

8 MR. YOUNG: Yes.

9 HEARING OFFICER DURYEA: And if you could briefly
10 explain? This is a fairly limited number of voters, so just so
11 the Regional Director understands the reasons for a three-hour
12 period? If the parties could explain what -- why this three --
13 this whole three-hour period is necessary?

14 MR. YOUNG: Sure. So the employees in question vote
15 on -- work on a rotating shift schedule. There isn't any one
16 given day where all of the employees eligible, or might be
17 found to be eligible, would be at work. The workers who are on
18 shift schedule typically work 12 hour days from 6A to 6P or 6P
19 or 6A, but there is always a group of workers who are spares or
20 training who are working from 6:30 a.m. until 2:30 p.m., and so
21 there will always be -- so there isn't any one given time where
22 everybody is actually at work, and there are a number of people
23 who are off work.

24 Holding an election say early in the morning would
25 discourage individuals from participating in the election who

1 are scheduled off because they might have just gotten off of a
2 shift schedule of several days in a row, they're finally
3 catching up on their sleep, would not want to come in at early
4 morning hours. By holding the election starting at 2:30 in the
5 afternoon, that captures the individuals who are scheduled that
6 day, and 2:30 there would -- if we put it later in the day
7 there would be individuals who are working spares or trainees
8 who would be gone off work at 2:30. And the night folks don't
9 start, who are on shift work schedule, until 6:00 p.m., so it
10 would allow them some time to vote and then go get to their
11 jobs. 5:30 would be an appropriate time to end it and let them
12 have time to vote. So that's why we're proposing 2:30 to 5:30.

13 HEARING OFFICER DURYEA: All right. Ms. Ruggiero, do
14 you have anything to add to that?

15 MS. RUGGIERO: No.

16 HEARING OFFICER DURYEA: All right.

17 Okay, so we also discussed that -- it seems like we
18 have an agreement on the appropriate room to use as the polling
19 location. Can you give me the address and name of that room or
20 description of the room?

21 MS. RUGGIERO: That is the Merrimack Room, and it's
22 located at 780 North Commercial Street.

23 And is that Manchester? I have to ask the guys.

24 MR. YOUNG: Yes.

25 MS. RUGGIERO: Yeah. So again, it's the Merrimack

1 Room, and that's at 780 North Commercial Street.

2 HEARING OFFICER DURYEA: All right. And is that
3 acceptable to Petitioner, Mr. Young?

4 MR. YOUNG: Yes.

5 HEARING OFFICER DURYEA: Okay. All right, and I note
6 that on the -- from the Statement of Position that the Employer
7 filed, that at the time of the filing of the Statement of
8 Position, the most recent bi-weekly payroll ending date was
9 April 1st, and I've confirmed that with the parties.

10 So bi-weekly pay period ending on Saturday and -- and
11 at the time the Statement of Position was filed, the most
12 recent one was April 1st.

13 MR. YOUNG: Yes.

14 HEARING OFFICER DURYEA: All right. Let me see. All
15 right, and does any party anticipate the need for the Notice of
16 Election and ballots to be translated?

17 MS. RUGGIERO: No.

18 HEARING OFFICER DURYEA: All right. And Ms.
19 Ruggiero, what is the name, address and email address and phone
20 number of the Employer's on site representative to whom the
21 Regional Director should transmit the Notice of Election if an
22 election is directed?

23 MS. RUGGIERO: Randi Michelman, Randi, Michelman,
24 Michelman. Her email address is
25 randi.michelman@eversource.com. Phone number is (603) 634-

1 2742. And the address is 780 North Commercial Street,
2 Manchester, New Hampshire.

3 HEARING OFFICER DURYEA: And I'm sorry, did I miss
4 it; did you give her job title?

5 MS. RUGGIERO: She's a senior consultant in Employee
6 Relations.

7 HEARING OFFICER DURYEA: Okay. All right. So and
8 let me ask both of you -- both parties; if an election is
9 directed, may the Region communicate with your election
10 observer regarding election procedures and any issues that
11 arise during the election, the pre-election conference, and the
12 ballot count?

13 MS. RUGGIERO: Yes.

14 HEARING OFFICER DURYEA: Mr. Young?

15 MR. YOUNG: Yeah. I'm sorry, I said yes.

16 HEARING OFFICER DURYEA: Okay. All right, so I think
17 that's it for election details.

18 So the Regional Director will issue a decision in
19 this matter as soon as practical, and will immediately transmit
20 the document to the parties and their designated
21 representatives by email, given the fact that we have
22 everyone's email.

23 (Board's B-3 marked.)

24 HEARING OFFICER DURYEA: Prior to this hearing, the
25 parties were provided with Form NLRB-5580, Description of Voter

1 List Requirements After Hearing in Certification and
2 Decertification Cases, which explains the Employer's obligation
3 to furnish the voter list should an election be directed in
4 this matter.

5 That document is marked for identification as Board
6 Exhibit 3. And I believe I showed that to the both of you at
7 the first day of the hearing, if I remember correctly. Is that
8 right?

9 MS. RUGGIERO: I believe so.

10 MR. YOUNG: It's -- I think so.

11 HEARING OFFICER DURYEA: Okay. So is there any
12 objection to the receipt of Board Exhibit 3, which is the
13 Description of Voter List requirements?

14 MS. RUGGIERO: No.

15 HEARING OFFICER DURYEA: All right, hearing no
16 objection, Board Exhibit 3 is received into the record.

17 (Board's B-3 received.)

18 HEARING OFFICER DURYEA: Any parties entitled, upon
19 request, to a reasonable period after the close of the hearing
20 for oral argument.

21 Does any party wish to make such a request at this
22 time?

23 MS. RUGGIERO: No.

24 MR. YOUNG: No.

25 HEARING OFFICER DURYEA: Any party desiring to submit

1 a brief to the Regional Director shall be entitled to do so
2 within five business days after the close of the hearing.
3 Copies of the brief shall be served on all other parties to the
4 proceeding, and a statement of such service shall be filed with
5 the Regional Director together with the brief.

6 No reply brief may be filed except upon special
7 permission from the Regional Director.

8 Does any party wish to waive the filing of post-
9 hearing briefs?

10 MS. RUGGIERO: No.

11 MR. YOUNG: No.

12 HEARING OFFICER DURYEA: All right. And so five
13 business days from today is May 5th. And we had some
14 discussion off the record about a possible request to extend
15 that briefing date.

16 Mr. Young?

17 MR. YOUNG: Yes. I am requesting two additional
18 weeks from the date. The reason for that is that I have a long
19 scheduled vacation beginning this Monday, May 1. I am
20 returning on May -- actually I'm leaving on April 30th,
21 hopefully, and returning hopefully, on May 14th.

22 HEARING OFFICER DURYEA: All right. And so the two-
23 week extension would be -- it's actually - yeah, two-week
24 extension would be May 19th.

25 And what's the Employer's position on that extension?

1 MS. RUGGIERO: No objection to the extension.

2 HEARING OFFICER DURYEA: All right. Well, in
3 accordance with my authority for good cause to grant an
4 extension of time to file a brief, I will grant the extension
5 and the briefs will be due on May 19, 2023.

6 The parties are reminded that pursuant to Section
7 102.5, the Board's Rules and Regulations, briefs and other case
8 documents must be filed electronically by electronically
9 submitting, e-filing through the Agency's website, unless the
10 party filing the document does not have access to the means for
11 filing electronically or filing electronically would impose an
12 undue burden.

13 Briefs or other documents filed by means other than
14 e-filing must be accompanied by a statement explaining why the
15 filing party does not have access to the means for filing
16 electronically or that filing electronically would impose an
17 undue burden.

18 Filing of a brief or other documents electronically
19 must be -- may be accomplished by using the e-filing system on
20 the Agency's website. Once the website is accessed, clicked on
21 "e-file documents," enter the NLRB case number, and follow the
22 detailed instruction.

23 The responsibility for the receipt of the document
24 rests exclusively with the sending. A failure to timely file a
25 brief will not excused on the basis that the transmission could

1 not be accomplished because the Agency's website was offline or
2 unavailable for some other reason, absent a determination of
3 technical failure of the site with notice of such technical
4 failure posted on the website.

5 All right, so before closing the record, Lainy, are
6 there -- do you have all of the exhibits that we have been
7 going over today? Is there anything missing?

8 COURT REPORTER: I think so. I want to just discuss
9 it off the record. I'm just going over it really quickly.

10 HEARING OFFICER DURYEA: Okay, sure. Off the record
11 we can clean any of that up.

12 The parties are reminded that they should request an
13 expedited copy of the transcript from the court reporter.

14 And if there's nothing further, the hearing will be
15 closed.

16 (No response.)

17 HEARING OFFICER DURYEA: Absent hearing any response,
18 the hearing is now closed.

19 (Whereupon, at 3:27 p.m., the hearing in the above-entitled
20 matter was closed.)

21

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CERTIFICATION

This is to certify that the attached proceedings before the National Labor Relations Board, Region 1, in the matter Eversource Energy and International Brotherhood of Electrical Workers, Local 1837, Case No. 01-RC-314865, at Boston, Massachusetts, on Friday, April 28, 2023 was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the recording from the hearing, that the exhibits are complete and no exhibits received in evidence or in the rejected file are missing.

Elaine M. LaRosee

Elaine M. LaRosee

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